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THREAT OF TERRORISM AND GOVERNMENT RESPONSES TO TERRORISM

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BEFORE THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

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THREAT OF TERRORISM AND GOVERNMENT RESPONSES TO TERRORISM

MONDAY, SEPTEMBER 11, 1989

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 9:35 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Joseph I. Lieberman, presiding.

Present: Senators Glenn, Lieberman, and Cohen.

OPENING STATEMENT OF SENATOR LIEBERMAN

Senator LIEBERMAN. Good morning. Earlier this year under the leadership of Chairman John Glenn, the Governmental Affairs Committee held hearings on our Government's efforts to protect our domestic infrastructure—electric utility systems, power systems, informational systems—from terrorist attack. Chairman Glenn has kindly authorized me to expand today upon these hearings and to examine our Government's efforts to combat terrorism in general. All of this is part of this Committee's responsibility for oversight of interagency programs, in this case the coordination of counter-terrorism efforts among the various Federal agencies.

These hearings were planned and worked on last spring, when what one of the witnesses refers to as the episodic nature of terrorism was at a lull. Recent events, including the revelation of the killing of Lieutenant Colonel Higgins, threats to other American hostages held in the Middle East, and now the possible threat of terrorist retaliation from international drug cartels, which we are taking on, shows us again that the threat of terrorism is real and makes this exercise of this Committee's governmental oversight functions relevant and important.

We appear to be entering a new era in our foreign relations, an era in which the defense of our national security may have to be redefined. The most serious threats to our security may no longer come from Soviet attack, particularly Soviet nuclear attack, but instead from assaults by renegade nations, the international drug cartel and terrorists groups. Those certainly have been the sources of the most serious losses that we have suffered in recent years. Terrorists have blown up a United States jet over Scotland, kidnapped and killed Americans in the Middle East, and murdered U.S. missionaries in Latin America.

Fortunately, we have thus far been spared major terrorist incidents on United States territory. Nonetheless, last year someone

tried to kill the wife of the commander of the USS *Vincennes* in California. U.S. authorities arrested a Japanese Red Army terrorist on the New Jersey turnpike headed towards New York City with a pipe bomb. With the extradition of alleged drug financier Eduardo Martinez Romero from Colombia last week, the United States could well become the target of terrorists hired by the narcotics empire.

These recent events, as well as the tragic death of Lieutenant Colonel Higgins, underscore the continuing threat of terrorism, our vulnerability to it, and the need for an effective, coordinated counter-terrorism policy.

In the years ahead the threat of terrorism may become even greater as terrorists gain access to more sophisticated technology. A small amount of modern plastic explosives, no more than what fits inside a radio cassette, destroyed Pan Am Flight 103. A bomb with a long-delay timing device was used in an attempt to kill Prime Minister Thatcher in 1985. As chemical and biological weapons capability spreads throughout the Third World, terrorists may resort to such means of mass destruction.

Defending against terrorism is obviously no simple matter. Intelligence can be difficult to obtain because of the tight-knit nature of these groups. Captured terrorists who are willing to talk after an attack are often low-level operatives who don't know much about the inner workings of their organization. Even if we learn about the leaders of terrorists organizations, we may not know where they are located at a given time.

Despite these problems, we have achieved some success in fighting terrorism. The air strike against Libya in 1986 certainly seems to have made Colonel Qadhafi more circumspect. Improved security seems to have reduced the number of attacks against U.S. embassies and the number of airplane hijackings. Various countries have meted out stiff prison sentences to terrorists despite threats of retaliation. We have even begun a dialogue with the Soviets about joint exercises with regard to terrorism.

The purpose of the hearing today is to explore the terrorist threat to United States interests today and in the near future, and to ask how well our Government is prepared to meet that threat. Is there a danger of terrorist retaliation if we become more deeply involved in South America in the fight against drugs? Could cooperation with the Soviet Union yield worthwhile results? What steps have we taken to improve airport security in the wake of Pan Am 103? Will terrorists resort to weapons of mass destruction?

Do we need tougher procedures and laws to prevent terrorists from entering the United States and to expel individuals from the United States who are suspected of involvement in terrorism? Is our intelligence, particularly our human intelligence, adequate? Is the Government's Interagency Group on Terrorism, headed by the State Department, an effective vehicle for directing U.S. policy on terrorism? And do we have the full panoply of policy options at our disposal to deal with these challenges, including the use of force where necessary?

This morning we are fortunate to have a number of widely respected authorities on terrorism here to address these important questions: Brian Jenkins of the Rand Corporation and Robert Kupperman of the Center for Strategic International Studies will pro-

vide an overview of the current and near-term future terrorist threat and will review some of the major issues concerning terrorism that face the new Administration and Congress.

Ambassador Morris Busby, Coordinator for Counter-Terrorism at the State Department, and Oliver Revell, Associate Deputy Director of the Federal Bureau of Investigation will describe the Government's current efforts to deal with terrorism.

Finally, Admiral Stansfield Turner, former director of the Central Intelligence Agency, and Noel Koch, former Director of Special Planning at the Defense Department, will discuss major policy options for responding to acts of terrorism, including negotiations, concessions, economic sanctions and the use of force.

I do want to indicate for the record that over the weekend former ambassador Jeane Kirkpatrick informed this Committee that she would not be able to attend the hearing this morning. We are sorry she cannot be with us today, but, of course, I am grateful for the outstanding group of witnesses who are with us and who we look forward to hearing now.

I am also grateful, as I suggested out of his presence, for the leadership that the Chairman of this Committee, Senator Glenn has shown in directing the oversight functions of this Committee towards the critical question of terrorism, and in authorizing me to proceed on behalf of the Committee with this hearing today, and I am, obviously, honored to introduce Chairman Glenn at this time.

OPENING STATEMENT OF CHAIRMAN GLENN

Chairman GLENN. Thank you very much, Mr. Chairman. I just want to thank you for the leadership you are taking on the Committee in this particular area. I know from talking to you personally of your personal interest in this, and that makes a big difference too, and your personal concerns that we get a handle on this if we can. I think that is the big question—if we can.

You have a good staff put together and you are working on this. You know, there are some legislators around here who make their careers responding to events and there are others who have the vision and the wisdom to recognize this is not enough and we must also try to anticipate these crises of the future, and Senator Lieberman has certainly demonstrated this quality of statesmanship and I am proud to have him as a member of this Committee.

There was a textbook published in 1973 called "Congress and America's Future." In that political scientist David Truman observed that, "The 20th century has been hard on the legislatures."

Hardly anyone these days would dispute this statement. Today we face so many problems that seem to defy quick and easy solutions, problems that are increasingly international in scope and sometimes complex beyond imagination. We struggle to prevent the spread of nuclear weapons and other arms of mass destruction. We try to protect the environment, cure chronic health problems, preserve the vitality of our economy in an increasingly competitive international marketplace. We declare wars these days almost at the drop of a hat, wars on poverty and drug abuse, and yet the problems go on.

Terrorism is one of these same types of problems. It is time to take stock of what Congress and the Executive have done and what remains to be done to alleviate real national and international security threats that we face from terrorism.

Our staff has told us that there have been 360 separate references to terrorism in the Congressional Record since the 101st Congress convened last January. There were 164 statements made in both Houses expressing concern about the gravity of this problem. There were references to some 19 hearings relating to various aspects of the problem of terrorism, and there were 38 separate bills submitted on this issue.

Given all this flurry of legislative activity, we might be tempted to ask why hold another hearing? And yet the answers are very clear. First, we just do not have all the answers to the problem of terrorism. We grapple with it but we don't have the answers. The Nation expects of its Congress that knowledge should precede action and that terrorism is not an issue calling for empty symbolic gestures or just hand-wringing.

We do not seek just to do something, but to choose wisely among the alternative choices that are available to us. Fortunately, we have here today some of the Nation's foremost authorities on the subject of terrorism and we hope their testimony will help us to identify our options and to choose among them wisely.

This Committee is particularly well suited to look at a difficult problem like this because of our broad jurisdiction. We look at all the efficiencies of Government and the organization of Government and how they interrelate. We look across the whole panoply, the whole spectrum, if you will, of options that we can use to get at terrorism.

Obviously, one of the best things we could do on terrorism is perhaps say absolutely nothing and never print a word about it, because what the terrorists want more than anything else is attention focused on their particular problem. But we know we don't live in a world where that is even remotely possible. And so we have to deal with reality and know that they are going to get the publicity that they want and that they seek and that we have to deal with it in the second order and say, how are we going to respond to that.

Recent international developments, particularly the murderous actions of the international drug cartels and chronic terrorism emanating from the Middle East has served to remind us that terrorism simply will not stay on the back burner of our national public agenda.

Witnesses today will provide further details about the nature of the threats that we face, including the possible future use by terrorists of weapons of mass destruction and about what the Government is now doing to address these threats. We had a hearing not long ago in which Judge Webster, head of the CIA, testified that you can now set up a chemical laboratory that will make chemical weapons of mass destruction possible for terrorist use, or biological weapons in a laboratory. He looked around the room, consulted with one of the his aides, and said, "We could set up quite a credible factory in a space the size of this hearing room," the same room we are in right now.

So it points up the difficulty of taking something that can be put together by any good first class chemistry graduate out of any college or university and have that person functioning with support of a government or a terrorist group somewhere in this world and setting up weapons of mass destruction beyond just the explosive radios and recorders and things that the Chairman talked about.

So we are into a time period where we are trying to prevent some of that kind of thing from occurring one of these days where we won't have a Pan Am 103 coming down because of an explosion on board but because someone released some sort of chemical weapon or biological weapon on board. We are trying to prevent that as well as prevent the explosive type things of which there are many examples.

Finally, following on the point that we don't want to put this thing on the back burner. It is the Committee's duty to assure that our Government is organized to grapple efficiently and effectively with the problem of terrorism. We cannot throw money at it—our traditional solution for major problems in this country—if we put enough money out there somebody will do something. Well, we don't have that in this case. We have neither the money, nor even if we had the money to put out we do not know if that would necessarily solve the problem.

It makes no sense to throw money at the problem only to see it wasted in the swamp of nonproductive bureaucratic activity.

Senator Lieberman, I congratulate you for taking the lead on this. I know you will do a fine job on it. I have other commitments this morning and I cannot stay for the whole hearing, but I wanted to be here for the opening of the hearing and congratulate you on your work. I look forward to reviewing the testimony by the witnesses today.

Senator LIEBERMAN. Thank you very much for your comments, generally, and for your kind words directed towards me. I appreciate your presence, your support and your leadership.

We will begin now with the first panel. We are going to use those lights today in an advisory capacity. I think we are going to run them for 7 minutes for each opening statement just to make sure we keep things moving. If you are on a major point when the red light goes on, don't feel stifled; continue with the point.

Our first panel, as I indicated, is Mr. Jenkins and Dr. Kupperman, and we would like to begin with Mr. Jenkins.

Mr. Jenkins, I feel that I have seen you on television as much recently as I have seen the anchormen of the evening news, and it is nice to see you in person here.

Thank you.

TESTIMONY OF BRIAN MICHAEL JENKINS, THE RAND CORPORATION [1]

Mr. JENKINS. Thank you very much, Senator, and for the opportunity to address the issue of terrorism.

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[1] See p. 55 for Mr. Jenkins' prepared statement.

When I first testified before Congress 15 years ago, one of the first questions put to me was, Mr. Jenkins, what can we do to end terrorism?

It was the only question for which I was not adequately prepared and I had no satisfactory answer. I was mortified by that. I still have no answer, I must confess, but I am somewhat less embarrassed by it today. The fact that we are here suggests that no one else has the answer either.

This is not to say that in the intervening years we have made no progress against terrorism. We have. But as you pointed out, and as we have seen this last summer, terrorists still have the capacity to create international crises; that is the nature of terrorism.

These crises frequently demand the attention of Presidents. They involve life and death decisions, often with little time for reflection. For years now we have debated how to better organize our Government's response machinery so that every terrorist incident would not inevitably reach the Oval Office. To a certain extent we have succeeded. Still, when the lives of American citizens are at stake or when military force may be contemplated, Presidential attention is demanded, and I don't think any organizational structure can prevent this.

Terrorism seems likely to persist as a mode of political protest in the world as a means of intimidation, and in some cases as an instrument of state policy. For the foreseeable future the Middle East will remain the source of greatest danger to this country. Terrorists groups based there have accounted for about a fifth of all international terrorists incidents and about 35 percent of the fatalities. The Middle East certainly is the source of most of the terrorists crises that involve the United States.

Although international terrorism associated with the Palestinian movement has declined recently, a change in leadership within the PLO or the inability of Mr. Arafat to achieve any progress through diplomacy could lead to a renewed terrorist campaign.

The continuing conflict in Lebanon and possible efforts by hardliners in Iran to thwart any rapprochement between their country and the West provide additional causes that could generate terrorist attacks in the future.

The spillover from Third World guerrilla wars accounts for an additional 15 percent of the total volume of international terrorism, and about 24 percent of those attacks are directed at U.S. targets. Most of these guerrilla conflicts have continued for more than a decade, some of them for several decades, and seem likely to go on. Separatists and ideologically motivated groups in Western Europe account for another 15 percent of the total. These groups occasionally attack U.S. targets, but terrorism from this source is declining. The remaining international terrorism comes from diverse groups and causes, or in some cases from groups that cannot be identified.

We also confront some possible new sources of terrorist violence. Carrying the war on drugs to the traffickers in Colombia may bring a violent response from them. We have to anticipate the possibility of terrorist attacks directed against U.S. citizens in Latin America and possibly in this country as well.

Some would argue that the drug related gang violence we have now is a form of domestic terrorism, as certainly the number of gang killings in Los Angeles alone last year roughly equals the level of violence in Belfast at the height of the terrorist campaigns of the 1970s.

Other sources of possible terrorist violence in the future include religious extremism, the violent fringes of frustrated student movements in Asia, and separatist tendencies and ethnic conflicts which we have seen developing dramatically in recent months in the Soviet Union, which may explain in part the recently expressed Soviet willingness to cooperate with the United States in combating terrorism.

We have also seen some escalation in terrorism. Terrorists appear to be more willing now to kill indiscriminately, as evidenced by the devastating car bomb attacks in the Middle East and Latin America, and last December's bombing of Flight 103. Such attacks have become more common.

Sabotage of aircraft is probably the biggest threat we confront today. We do need to improve screening procedures. We also need to address the problem of how to best deal with the hundreds of bomb threats that are received every year.

Whether terrorists will escalate their violence beyond what we have already seen remains a matter of debate. Some think that it is likely that terrorist will eventually employ chemical, biological or even nuclear weapons to enter the realm of mass destruction. Others see tomorrow's terrorist as a more sophisticated copy of today's terrorist, more brutal, perhaps, but well outside the realm of mass destruction.

Terrorists are well aware that primitive methods work. We might see the use of chemical weapons in scenarios other than mass destruction, for example, the contamination of products as a means of waging economic war against corporations or governments.

We have seen little change in terrorist tactics, and I think we are likely to see little change in the future. Terrorists are pretty good at what they do now and they have virtually unlimited targets. They do not have to innovate. Terrorists are, however, becoming more sophisticated in their technology and in their operations.

For example, there are fewer hijackings now than there were in the early 1970s, but terrorist hijackers today are for more likely to be familiar with security measures, cockpit procedures, and at least some of the negotiating and rescue tactics that are likely to be used against them.

If terrorist tactics do not change dramatically, the current terrorists' arsenal of weapons should suffice, but we still confront two problems here. The first is the virtually uncontrolled traffic in weapons and explosives. The second is that terrorists my acquire and use some of the more sophisticated military weapons that are now being mass produced, in particular, precision guided surface-to-air missiles.

The terrorists' choice of targets, like tactics, has remained fairly stable over the years. Terrorist attacks against airlines and diplomatic facilities, their favorite targets, have gradually declined, but

attacks on softer targets, including totally indiscriminate attacks whose objective is simply casualties, have increased.

In the coming years we are going to continue to see more and more crises, and I have in my written testimony addressed a number of specific issues that merit Congressional consideration. Let me merely list them here.

The first of these pertain to Government organizations. First, as I said, there is no governmental response machinery that can prevent life and death terrorists' crises from reaching the Oval Office. Second, I don't think we need a terrorism czar. And third, the coordinative machinery and resources that we now have are adequate. We need preventive maintenance, not reorganization.

We must, however, watch closely to ensure that the changes that have occurred at the State Department and those underway at the National Intelligence Council, not signal a downgrading of efforts to combat terrorism and loss of resources, especially in intelligence collection and in the coordinating machinery.

The next few issues pertain to our response to terrorism. My first observation is that there will be a certain amount of unavoidable friction as we go back and forth between a traditional investigative approach and a military approach.

Second, military options will always be limited by choice, and I think we ought to avoid the language that creates unwarranted expectations or troublesome pressures for action.

And third, whether military force is justified in a particular case in my view should be decided in Congress and expressed in a formal declaration of war or resolution authorizing the President to take military action.

Last, we probably can do more in the area of psychological operations. These involve both military and intelligence resources. The interagency machinery exists here, but it needs some encouragement and support.

Thank you.

Senator LIEBERMAN. Thank you, Mr. Jenkins. I appreciate your oral testimony. I have been over your written testimony, which is very helpful and, of course, will be part of the record. I look forward to entering into some dialogue with you after we hear from Dr. Kupperman.

Thank you for being here.

TESTIMONY OF ROBERT H. KUPPERMAN, PH.D., CENTER FOR STRATEGIC INTERNATIONAL STUDIES [1]

Dr. KUPPERMAN. Thank you, Senator. Thank you very much for having invited me. I will try to be as brief as I can.

The landscape of terrorism is changing, I think. The Soviet role is likely to decrease, particularly given the great interest upon the part of the Soviets in developing bilateral cooperative agreements to control terrorist activities.

On the other hand, as the bipolar relationship between East and West continues to unravel we should expect that smaller states will employ the tactics of terror to gain their political ends. States, as

[1] See p. 63 for Dr. Kupperman's prepared statement.

we have known in the past, such as Libya, Iran, Iraq and Syria are less than fully predictable.

With the deaths of the Ayatollah Khomeini, how the Iranian Government will manipulate Islamic fundamentalism is simply unclear. Depending upon the success of the Administration's anti-drug measures, we might anticipate counter actions by South American drug kingpins. With their enormous wealth and easy access to advanced weapons, it is just not beyond the realm of possibility to think of an Exocet missile being directed against a Coast Guard cutter, or stingers, which we have supplied the Afghan rebels, used against U.S. commercial aircraft.

The problem with terrorism is its episodic nature. During the periods of relative calm, terrorism is viewed by large governments, including our own, as a minor annoyance, especially when compared with grander visions of geopolitics. And it is often difficult to get policy levels of governments focused on the problem at all.

But when an incident occurs, particularly one dominated by media coverage, terrorism takes on virtual strategic significance. When terrorists strike, governments go on hold, paralyzed by an unfolding human drama which was televised for all to see. There are far too few tools available to combat terrorism for, in principle, the Government is required to protect every possible target and cope with every tragedy.

By contrast, the terrorist has the luxury of choosing the time, the target and the tactics. His ability to thwart defensive measures is greater than the Government's ability to anticipate his actions.

To appreciate the magnitude of the problem, the airline industry need only be considered. Following the destruction of Pan Am 103 last December 21, there was a ground swell for beefed up security measures, which included the purchase of expensive neutron scattering devices intended to detect plastic bombs. Unfortunately, under realistic operating conditions, these detectors will be less than fully reliable and may be tricked. Further, a high false alarm rate may plague the device's applications under the rushed circumstances characteristic of large airports.

There is no point in denigrating any one technology. At any given time it may, in fact, be the only available option. What is needed—and I use the term loosely—is a systems approach for problem solving. For example, ways of screening passengers quickly by correlating a variety of technical measures, including magnetometers, soft x-rays of luggage, behavioral profiles, security alerts and the use of rule-based artificial intelligence systems.

As important is the human dimension. Those who do the checking, especially at the more dangerous international airports, must be motivated, intelligent, well trained and thus well compensated.

While airline security problems and the fate of the hostages have dominated the news, the targeting of Americans virtually worldwide requires a systematic, well financed, long term, nonhysterical approach.

Our problem from which we suffer is tunnel vision, and the institutional need to compartmentalize. Terrorism is part of the spectrum of low-intensity warfare, along with insurgency and drug trafficking, and has become pervasive.

By treating these problems as totally separate issues, we handicap the success of our responses.

Drug trafficking in the United States alone amounts to an estimated several hundred billion dollars per annum. Drugs, terrorism and arms sales of the most sophisticated possible weapons to the Third World states know no real barriers whatsoever. With 1992, the year of Europe, coming upon us fast, there will be no protected national borders in Western Europe, making life even easier for terrorists.

Terrorism, when considered in isolation, is containable at today's level. There are notable exceptions, including the bombing of Pan Am 103, the attack against the British Government by the IRA at Brighton, and the 1985 Kuwaiti Airline hijacking. But in general, we have the ability to thwart many of them and to cope with the aftermath.

Were terrorists to get the arms, however, such as Qaddafi using a nerve agent or supplying one to Abu Nidal, we would be utterly unprepared to respond in a measured effective manner.

Though mass killing is not traditionally perceived as being in the interest of terrorists or their state sponsors, they have shown their willingness to take hundreds of lives at a time. While many might argue that the use of agents of mass destruction is immoral, the human cost of just being slightly wrong is far too great to ignore. Although we have state-of-the-art technologies and equipment to detect and disarm nuclear bombs, we are naked in the face of chemical or biological agents. The probability of a chemical attack [illegible] is not zero. And as [illegible] the vulnerability of the world's [illegible] and [illegible] to [illegible] and [illegible] and [illegible] and

If I may, I am just going to just list a few suggestions.

Senator LIEBERMAN. That is fine.

Dr. KUPPERMAN. I think we need to anticipate far more serious attacks, some in the United States. We need to launch an intensified intelligence and covert operations program. We have to view terrorism and major drug trafficking as national security issues, not merely law enforcement questions. We have to develop counterterrorism policies that are less rigid than today's nonconcessionary approach. We have to devalue—as horrible as it may sound—the holding of American hostages. We have to engage in frequent exercises at the operational level of Government. President Bush ought to participate regularly.

At moderate cost, we need to develop, because we have nothing of any value, a full-scale R&D program to cope with bomb detection and decontamination chemical and biological incidents, and other technologically advanced forms of terrorism. Here a civilian defense advance research project agency, operating in concert with the national labs, is really called for.

We need to protect the Nation's power, data and communications infrastructure. We need to develop a realistic civil defense program capable of coping with truly perilous emergencies, well short of [illegible].

Don't baby the U.S. public. Tell the people about the economic and international risks attendant to aggressive counterterrorism and drug trafficking. At all costs, Government must obey the law. Congress has got to remain the executive's true partner if an effective counterterrorism/counter drug program is to succeed. I don't [illegible].

[illegible]

[illegible]

[illegible]

course of terrorism in the future. But if we look at the past behavior of the drug traffickers in their dealings with the Colombian Government when it has pressed them on occasion in the past, we have seen a violent response that has been aimed at intimidating that Government with death threats and assassinations directed against public officials.

We have even seen some occasions in which that violence has already spilled over to American targets, for example a bombing at the U.S. Embassy in Bogota, or an attempt to destroy the motorcade in which Secretary of State Shultz was riding in Bolivia. So we have some examples already.

Should we proceed with a high profile campaign, and particularly should we achieve some measure of success in persuading the Colombian Government to extradite some more of the traffickers should they apprehend them, then it is quite clear that this group, the group that specifically refers to itself as the "extraditables", will respond violently. They will respond violently, first of all, against the Colombian Government, since the issue is still a matter of choice on the part of the Colombian Government, because that is the weakest link as they see it.

But we have to anticipate the possibility or how are taking or actions that are intended to demonstrate to us that this will not be a cost free course of action on our part.

Senator LIEBERMAN. Hostage taking would be perhaps of American citizens in these Latin American countries?

Mr. DEUTCH. Possibly of American citizens. They have already done this in countries where they have intimidated the authorities to the point where they have kidnaped and killed the relatives of those who have been charged with responsibility for bringing them to justice. And they have threatened to do that in this country.

Will it take place in Latin America or in this country? Clearly, if we talk about hostage taking, their capability for carrying out operations of that type are better on their own turf in Colombia or other Latin American countries.

On the other hand, if we talk about actions that are calculated to intimidate our Government, should they decide to take that course of action, then they could operate either there, or potentially carry out actions in this country. Here again, I don't think it is a matter of capability. I think we have to concede capability. It really comes down to a question of what decisions they will make, whether they will operate under self-imposed constraints or not. Should they be extradited or face extradition and confront long prison sentences in this country, then I think their decision may be that they have less to lose by doing that.

Some have argued that they will not because that would be foolish for them, it would provoke the United States, it would anger the American people, it would not serve them. I would be very, very careful in attributing too much sophistication to the leaders of the drug traffic. They are shrewd businessmen, they are ruthless, they operate according to a kind of primitive law, sort of what Jack London would call "the law of the club and fang."

In looking at their past performance, they haven't been necessarily that politically sophisticated. So the notion that they might respond in this primitive fashion is well within the range of possibilities.

Senator LIEBERMAN. And they have unlimited resources.

Mr. JENKINS. There is no question they have unlimited financial resources. There is also no question that they have access to enormous quantities of arms. They have the capacity to spend multimillion dollars sums to finance specific operations. And indeed, they have spent huge sums to finance kidnappings and other terrorists operations.

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One of the interesting new developments in the reality of terrorism today is the changing role of the Soviet Union.

Mr. Jenkins, I know that you have participated in one Soviet/American meeting on the question of terrorism, and I want to ask you a couple of questions.

First, to what extent have the Soviets, through their financial support, been responsible in the past for international terrorism? And secondly, what seems to motivate them now to be more cooperative?

Mr. JENKINS. I think there is no question that in the past they have played a role in international terrorism in a variety of ways. They have provided financial support and training to a variety of groups that have used terrorist tactics. Those groups that have been the recipients of Soviet assistance or Soviet training have in turn provided assistance and training to a wider circle of organizations using terrorist tactics. So they have played a direct role in that fashion.

There is also no question that some of the leading terrorist figures, particularly those from the Middle East, have been able to move freely back and forth through Eastern European countries, and so they have played a role in that sense. They have also, on occasion in an opportunistic fashion, tried to exploit specific terrorist incidents when it served the purposes of their foreign policy in a particular area.

I myself tend not to be an adherent of the view that portrays the Soviet Union as the central director of a vast international conspiracy of international terrorism. I don't think the evidence supports that. But certainly in the area of assistance—of political and material assistance and in opportunistic exploitation, they have played a role.

Why the change now? Let me be cautious about the word "change." I think we are going to see some of both types of behavior. I don't think that the Soviet Union has severed all of its connections with all of the organizations that we might label "terrorists organizations". There are key figures that I think still can pass freely back and forth with Eastern Europe. I think there are those in the Soviet Government who will still see a certain advantage in maintaining those contacts with some of those organizations.

At the same time, I think that there has been a fundamental change in how the Soviet Union views its own situation in the world and, therefore, how it evaluates terrorism. First of all, I think the Soviet Union has come to believe that its principal concern is its own future economic development. In order to pursue its goals in that direction, it requires Western investment, Western trade, access to Western technology. To the extent that Soviet involvement in these other issues, whether it is support for national liberation movements in the Third World or an involvement in terrorism, is an obstacle to creating the relationships that it needs in order to do the things at home it wants to do, it is quite willing, I think, to alter that relationship.

Senator LIEBERMAN. So these discussions that the Soviets are having with us may be part of an overall strategy of trying to diminish Western anxiety about Soviet intentions?

Mr. JENKINS. I think that is one aspect. There is a second thing that they increasingly fear—terrorism and they are quite vocal about this. When we met with them in Moscow—and Bob participated in those meetings as well—they were quite candid about their concerns. They were quite candid about talking to us about this review and change in terms of how they look at Third World revolutionary movements and Third World revolutionary governments.

Senator LIEBERMAN. Do they feel that they may now be targets of terrorist acts?

Mr. JENKINS. They definitely see that. They see it on two fronts. One, the Soviet Union, indeed, is a target of international terrorism and it has been climbing into the front rank of the nations who are targets. They are currently in fifth place—it is a distant fifth, to be sure—as a target of international terrorism, but it is a cause of concern to them.

Senator LIEBERMAN. Where is it coming from, the Islamic fundamentalists within the Soviet Bloc countries?

Mr. JENKINS. A variety of sources. Some of it comes from the Middle East, some of it comes from right-wing extremist groups around the world, some of it comes from various ethnic emigre groups that are attacking the Soviet Union. And I think that is another dimension of their concern.

When we talk about Middle East terrorism, for us that is, fortunately, still a geographically remote problem. The Soviets are terrified of the violent aspects of Islamic fundamentalism. The Soviet frontier lies on the edge of the Middle East. There are 50 million Moslems inside the Soviet Union. That is a source of concern.

An additional source of concern that they were willing to talk about was the concern about the ethnic and nationalist separatist movements within the Soviet Union, itself. And as we have seen in newspapers over the last 6 or 7 months, they have ample reason for concern.

They are worried about becoming a target of terrorism, both internationally and, potentially, domestically. So it is a combination of this desire to improve things with the West, plus some real concerns about threats made against them, that I think is causing them to be somewhat more receptive.

As I say, I don't think anyone should have any illusions. There are still many, many differences which divide the two nations and I would anticipate a period in which we would see both types of behavior.

Senator LIEBERMAN. Right.

Mr. JENKINS. But there is now, I think the possibility at least for exploring cooperation between the countries.

Senator LIEBERMAN. And you would say that it is worth exploring cautiously and with open eyes?

Mr. JENKINS. I think so.

Senator LIEBERMAN. Dr. Kupperman, before turning to you, let me say that I am delighted that Senator Cohen has arrived. He has had a long-time interest in these matters, as a leader in defense and foreign policy and a member of the Intelligence Committee, and I am honored that he has been able to come back and join us this morning.

Let me ask one more series of questions and then invite him to become involved—this goes to the our governmental structure used to prepare for and respond to terrorism. As you both know, we now use the lead agency concept under a Policy Coordinating Committee chaired by Ambassador Busby, of the State Department.

I know that there are always questions raised about the desirability of further coordination and greater involvement by the White House.

Dr. Kupperman, let me start with you, because in your prepared testimony you say that we should remain open to the possibility of a so-called terrorism czar.

Why don't you describe what that means and indicate, if you would, what you think we might do to improve our governmental organization for responding to terrorism.

Dr. KUPPERMAN. If terrorism remains at the same technological level, approximately, the same sorts of incidents that we have seen, I really see no need for any real change.

Senator LIEBERMAN. So at this point, you would say that the existing Policy Coordinating Committee and its ability to respond in a crisis is adequate to the challenge?

Dr. KUPPERMAN. As far as I can tell, I think that an earnest job has been done. Certainly there are individual problems. There are individual needs such as, for example, a substantial and well coordinated and well funded R&D process. But I am not upset with it on this level.

If, on the other hand, if terrorists do—whether it is the drug kingpins or whether it is the Abu Nidals or whoever—begin to attack here, if they begin to attack infrastructure, if they engage in acts of mass destruction, the organization that we have now is not adequate to deal with it.

Senator LIEBERMAN. And what then?

Dr. KUPPERMAN. I think that the response will have to be White House-controlled, call it a terrorism czar, call it whatever. I think the public will be demanding that. I don't think that an administration can look towards a more removed, less conspicuous, less elevated function to be performed by Government.

I do, however, even at today's level of problems, have great objections to lowering the status of the Office to Combat Terrorism. I think that is a grave mistake.

Senator LIEBERMAN. Do you think that the actual authority of that office is diminished, or are you concerned more about the appearance that it has less importance, less weight?

Dr. KUPPERMAN. I think it appears to have less access to the Secretary of State. I think on appearance grounds—and much of this town operates on appearance grounds—it has been diminished, and I think that is unnecessary.

Senator LIEBERMAN. We will ask Ambassador Busby about that in a while.

Senator Cohen?

OPENING STATEMENT OF SENATOR COHEN

Senator COHEN. Thank you very much, Mr. Chairman.

Dr. Kupperman and Dr. Jenkins, I apologize for not being here for your opening statements. Delta was not quite ready when I was in coming back to Washington.

Dr. Kupperman, you and I have had many discussions about the entire subject of terrorism, and I suspect that perhaps you have already encapsulated what we both believe, and that is that the United States thus far has not been approaching terrorism in the appropriate fashion. We keep continuing to treat it as a law enforcement problem when, in fact, it is a declaration of war that has been declared and has been waged by various groups.

And the problem that I have seen, and I think all of us have seen in recent weeks and months, is that we find ourselves being put in the position of first having to identify the group responsible, perhaps gathering clear and persuasive evidence, perhaps beyond a reasonable doubt, as to which group did it. And of course, the modus operandi for these groups is to have nine groups claim credit for having carried out the terrorist action. And then, assuming we can identify the group or groups, we have to locate them, and they keep shifting and moving from one location to another.

And then the third restraint we impose upon ourselves is that once we identify and locate a group, we have to consider taking retaliatory action—but only if we can minimize so-called collateral damage, which means civilian casualties.

And then, assuming we could do all of that, we necessarily have to do it within a reasonably short time frame—24 hours, 48 hours, 72 hours, a week, or 2 weeks, because the longer the time that passes, the less passion there is for taking action that would involve either military or paramilitary types of activities. Given all of this, it is no wonder that we have, in fact, formulated a prescription for failure.

It seems to me that has been our problem to date: The obstacles we have placed before us are virtually impossible to overcome. And so it seems to me that if we are really going to deal effectively with terrorism, we cannot disregard or discount the individual terrorist groups, but we have to go to the countries that are in fact sponsoring—either morally, financially or militarily—terrorist groups within their own borders.

I would submit, for example, that Hezbollah could not continue to exist in any meaningful way without the moral, financial or military support of Iran. They could not carry out many of their activities without the complicity of Syria. And it seems to me that we have to go to the countries, themselves, who harbor or give sanctuary or safety to the various groups who function within their own countries. Otherwise we are going to constantly be searching for the identification, the location, and seeking to minimize collateral damage, which is virtually impossible.

Most terrorist groups will immediately, if they are not already there, locate within a civilian populated area. I mean, these are the groups who kill innocent people and they go out and hide behind the skirts of mothers and the smiles of children and dare you to shoot back. And, of course, we have imposed restraints upon ourselves, justifiably so, perhaps, in the past, but I think to the extent that we are witnessing an escalation of terrorists activities, then

we have to change the ground rules and no longer treat it as a law enforcement problem.

That may be an imperfect summary, Dr. Kupperman, of some of your own views, but those are certainly my own. It has to do with what Noel Koch, whom I think has entered the room, has written about in terms of policies dealing with assassination. If this is an act of war being directed against the West, do not we have to either modify, alter or repeal certain definitions pertaining to assassinations? All that, it seems to me, has to be considered if we are going to continue to—not continue, but if we are going to wage an effective counter to what is currently taking place.

Dr. Kupperman, on another topic, you have suggested something comparable to DARPA for terrorism so, that we can start looking for nuclear resonance imaging of explosives, for example, or biotechnology, or devices to disable and divert individuals without killing them, or perhaps to disarm explosives without doing damage. Now, my understanding is that the State Department has a program—just looking over some of the testimony that is going to be given subsequently—the State Department does have a program that is doing precisely that.

Are you familiar with that program?

Dr. KUPPERMAN. Yes, I am. I think the point is, after having spoken to a lot of the people at the national labs who are doing this R&D, that it is a question of degree. I think that the effort thus far is earnest but small. I think that we have to go into a very substantial low intensity conflict R&D program that will deal with subjects even broader than terrorism.

We really have to encourage the national laboratories to do some very serious work. At this point it is somewhat haphazard. It is somewhat chancy as to what will be covered and what will not. Clearly, such things as a means of detecting plastic explosives are on the top of everybody's list. But ways of identifying clouds of biologicals, for example, are not. And the technology is quite conceivable.

Senator COHEN. There is a substantial debate taking place in the so-called war on drugs in terms of turf battles. What is your judgment in terms of where the repository of this coordinating agency, or the R&D functions, ought to be carried out, under whose aegis?

Dr. KUPPERMAN. Well, I think it has to be a civilian agency, for one thing. I think that you can either form an independent agency, or you might put it in Justice. Justice I don't think is used to handling big R&D projects. But the program has got to have some sponsorship. I don't think it belongs in the State Department, nor can FEMA handle it. I definitely do not want to see it in the Department of Defense.

Senator COHEN. I have written to and spoken with Senator Biden, the Chairman of the Judiciary Committee, who in turn has expressed interest in perhaps setting up such an agency within the Department of Justice. Whether that is going to set off a jurisdictional war in itself remains to be seen, but it is something that he has agreed warrants our attention.

And that may be the appropriate department, it certainly has jurisdiction over FBI, it certainly would have a counter-terrorism aspect. It also might very well be important to have it there for

dealing with civil liberties and civil rights, because these 2 are inevitably going to be coming into conflict between the need to deal with potential terrorist activities and protecting civil rights to the extent that we can in the process.

So anyway, there is progress being made there. I spoke with Senator Biden as recently as last week about the need to create such an agency, have it funded and start some very vigorous R&D programs.

Dr. KUPPERMAN. That is terrific.

Senator COHEN. Mr. Jenkins, I am trying to recalculate what I heard you say on one of the national programs at one point, and it was of interest to me. I think you indicated at one point that you felt since we give rewards to individuals leading to the arrest of certain criminals so that perhaps the time might have arrived to provide either some kind of negotiated settlement for hostages, or money in exchange for hostages.

Did I misunderstand what you were saying?

Mr. JENKINS. Let try to be a little bit more precise on that issue.

I think our current policy of not automatically making concessions to terrorists holding hostages is basically a sound one, but I would caution against us becoming so mesmerized by what has by now become almost an incantation of what we will never do that we cease to think creatively about what we might do to resolve a particular episode. That is not an argument for making concessions, it is an argument against rigidity.

Since the revelations of secret deals being made during 1985 and 1986, this country has tended to operate with the fervor of a reformed alcoholic in being very vocal about that policy. In my view I think that we might look towards some greater flexibility.

That is not to say that we ought to pay ransom, but when we talk about concessions, concessions are things that we define. If I may give a concrete example, we have already indicated, for example, our willingness to pay compensation for the families of the victims of the Iran airliner that was accidentally shot down by our forces in the Persian Gulf. I think that is an appropriate thing to do.

Senator COHEN. Do you think it would be equally appropriate for Iran to compensate the families of all the Marines who were killed in Beirut?

Mr. JENKINS. If we can make the case, yes. But the point is not what the Iranians consider appropriate or inappropriate. I don't consider that a criterion in our own decisions. We will do what we will do because of what we are because of our values. The fact that other nations may not operate according to those values is their business; it doesn't make it any less proper for us to do as we should.

But suppose, for example, to go back to my example, that the Iranians had suggested that as part of an overall effort to improve relations between the two countries and resolve the hostage crisis that one of the useful symbolic things we might do is pay compensation to the families that were shot down. Now, does the fact that it was mentioned in the context of hostages make it a concession that we are now obliged to reject, even though we had considered it

the right thing to do in the first place, because it will look as if it becomes part of a concession?

My point is that there are a lot of things that can be done that are not necessarily concessions, that need not be labeled as concessions, to attempt to resolve the crisis. Should we find ourselves faced with the alternatives of a protracted crises in which the Government of the United States is paralyzed, unable to pursue its programs in other areas in order to adhere to a specific policy versus perhaps modifying that policy or operating more flexibly to get out of a crisis situation in order to get on with other business, then we might consider, in that case, being somewhat more flexible as well.

A policy is not a commandment, it is not a law. A policy is a guide for action and one follows that guide so long as it is appropriate and useful. Should it become counter productive, then that policy is going to get set aside or modified. That happens all the time in this town with our policies on any subject you can mention. We have a policy, we adhere to it. Should it become counter productive, we are going to change it. And this particular policy is a good one, but it has no more magic than all the other policies that guide Government actions.

Senator COHEN. Well, if I could just respond, I think it is one thing to say that we might include in some sort of a compromise or settlement something that would be consistent with our own values, such as compensation for people who are innocently killed by an error.

It is quite something else, however, to say that we have a policy against paying ransom for hostages and we are going to use some sort of fuzzy calculations that make this more palatable to our own people. I think that policy has to be grounded in values as well, and one value we have is that we are not going to exchange money for hostages on a quid pro quo basis, period.

That is not just a policy, that is something that is deeply ingrained in our own sense of values. And I don't think that by just altering the policy to get the expedient result in this particular case—it might prove successful in the short run, but I think that it would violate our most basic sense of decency, without which I don't think we can continue to function.

Mr. JENKINS. Let me not respond directly to that, but I am glad you bring up the issue of decency, because I have a comment on something you said earlier. I realize the frustration that we have in our inability to get at terrorists the way we would like to. But I don't see the difficulties that we have in responding to terrorism as necessarily evidence of failure.

The fact that this country is concerned with evidence, that we are concerned with properly identifying the culprits or perpetrators of a particular incident, the fact that we are concerned with accurately locating them, and finding an appropriate action to take against them—one that will not involve unnecessary risk to innocent civilians—to me is not evidence of failure, but is a reflection of the basic decency and values that Americans operate under.

I don't think it is a failure of options, I don't think it is a matter of inadequate intelligence or want of capability. We have capabilities. We destroy things militarily when we want to do so; there is no question about that. But there are many things that we choose

not to do, because we choose to operate under certain rules and those rules reflect American values.

One can talk about changing the rules, but that is going to also involve some changing of American values. We also refuse to take actions that are not meaningful. Or in some cases, we refuse to take actions that are counter productive to other fore gn policy goals of the United States. Terrorists ought not to be allowed to determine U.S. foreign policy, directly or indirectly.

The real question for me is whether we can, within those limitations—whether it is the limitation that you suggest exists—and I would agree with you—on a very fundamental principle level of not buying back human life in hostage situations, or whether it is fundamental American values reflected in the constraints we operate under in responding to a terrorist incident—become better in our response, whether we can somehow modify our procedures to operate more effectively within those values, and not simply to go ahead and change the rules.

Senator COHEN. In your judgment, was our response, so far at least, or has it been, to Pan Am 103 a success or a failure?

Mr. JENKINS. Thus far you can qualify it neither as a success or a failure, because it is still an ongoing investigation. When the evidence is in and when that evidence is laid out, then I think we can make that judgment.

Let me follow-up with a further comment on that. One way I think we can change the rules somewhat—or not change the rules, but rather change the procedures—is in terms of how we apply military force. And that, quite frankly, is to involve the American people through their elected representatives in Congress.

In my view—and now I speak as much as a former soldier as I do as an analyst—before we go into military action again, it would be helpful to have some type of mandate from the Congress of the United States, whether that is a formal declaration of war or whether it is some other type of declaration that at least provides an expression of the will of the American people, that we are willing to take action.

And in that case, for example, in the case of Pan Am 103, let's take all the evidence we have and let's lay it out on the table up here, and let's judge publicly, does that evidence that we have justify and warrant a military response or some other response, and if a military response, we should say so and we should do it, whether we do it overtly, covertly, whether we do so now or later. Does it justify that?

If the American people through their elected representatives say that we should, then so be it, and if the will isn't there and we can't, then that is the answer, too.

Senator COHEN. We are running a bit late and I don't want to contribute to the delay, Mr. Chairman. Let me just make a couple of concluding points. I was not trying to suggest that we abandon longstanding principles in dealing with terrorism. What I was suggesting is the traditional method of trying to establish this as a case on a law enforcement basis is going to prove futile over the long haul.

It is going to be virtually impossible in each and every case to identify the specific group. Had the Pan Am 103 exploded over the

water instead of over Scotland, it would have been virtually impossible to gather the information we have today, which is, I think, quite persuasive and quite nearly complete, if not complete, at this point. And then to locate where that particular group may be located on any given day will be also a very difficult thing to do. To make sure we don't engage in collateral damage, innocent civilians being killed in the process, is also very difficult to do in the time frame which would call for any kind of military response.

What I am suggesting is that this cannot be our policy over the long term. If we are doing to deal effectively with terrorism, I think that we have to hold those nations responsible who in fact provide the training, the finance, the moral support, the material and so forth. And first hold them responsible diplomatically, try to persuade our allies that these nations—and they can be numbered, there are not that many—must be excluded from the councils of international commerce, for example, or that we must label them as pariahs of the world community, because they are behaving like pariahs of the world community, that we stop sending our planes into their countries, stop their planes coming into our countries, shut down to the best extent we can, or impede, retard, commercial transactions between those countries to impose a penalty upon those nations who engage in uncivilized behavior.

That ought to be our first effort, and failing that, then I think having made a case to the United Nations or to our allies, we cannot then be held to a standard of saying, well, we didn't come to them first. We are seeking their cooperation. Failing that, we may be forced to take action militarily at some point, but after having first exhausted all the other alternatives.

But anyway, thank you, Mr. Jenkins. I wish we could have more time. I hope that we can get together in the coming weeks and months.

Senator LIEBERMAN. I share that sentiment and I thank you, Senator Cohen.

Let me just ask one final question, which I find irresistable based on this very substantive exchange that you had. Let me begin by indicating that I was just handed a note telling me that earlier today, the former Mayor of Medellin was assassinated as he left his home.

We have been dealing with more traditional international terrorists who have killed American citizens, both individually, as in the case of Lieutenant Colonel Higgins, or wantonly, as in the case of Pan Am Flight 103.

Both of you indicate that there is a real possibility, if not a probability, that soon we will also be dealing with terrorist attacks sponsored by international drug cartels against American citizens, certainly outside of this country and perhaps in this country.

To continue the discussion about our values, I will pose a very difficult, in some sense an awkward question. One of you posited a scenario where there is a terrorist attack and we identify those responsible for it. Right now, the President is limited by Executive Order 12333 from carrying out a targeted response. I hesitate to use the word, but call it an assassination against the individuals who we conclude are responsible for that act.

Isn't it more ethical in this scenario to strike directly at those individuals we believe are responsible, rather than either doing nothing, because we are concerned about injuring innocent civilians in a more massive response, or responding, for instance, with a generalized air attack that would probably kill civilians as well?

That is a big question, and I am forced to ask you to give a short answer, if both of you would, so we can move on to the next witnesses.

Senator COHEN. If I could interrupt, Mr. Chairman, if you would phrase it "a bomb or a bullet" is really the ethical choice that you are posing to these two gentlemen.

Senator LIEBERMAN. Well, that is a good way to phrase it. Absolutely.

Dr. KUPPERMAN. If we are at the stage of saying, look, Pan Am 103 was caused by a particular country and we are going to attack that country, I would rather see a vectored, precise attack, whether it is with smart munitions or a pistol, than killing an awful lot of innocent people who had nothing to do with it.

Senator LIEBERMAN. Or doing nothing, which is another alternative.

Dr. KUPPERMAN. Well, I guess I have a slightly more hawkish view than Brian. I view these as national security issues. I favor getting very tough, and if we make some mistakes, we do.

Senator LIEBERMAN. Mr. Jenkins, do you want a quick response?

Mr. JENKINS. Basically I think that there are some attractive qualities to assassination, those that you have mentioned; that it is certainly preferable to indiscriminate responses if we are going to respond. But I also think there are some problems with it. Even were you to revise, or were the executive to revise that executive order, I think that many American people would still have moral qualms about putting names on bullets.

We can argue about how one might seem better than the other, but there are still a lot of people that are going to have qualms about it. Even in warfare we have qualms about putting names on bullets.

Second, I think in combating terrorism it is important that whatever we do, we do so in a manner that upholds American values. And that may mean avoiding tactics that are indistinguishable from those used by our terrorist adversaries.

I think assassination is wrong whoever does it. We surrender moral high ground if we should begin to operate on the terrorists' level.

Third, there is a very practical consideration, and that is because we are Americans, we will be very concerned about making as few mistakes as we possibly can. We will wring our hands about every single operation. Our opponents will have no such compunctions. We have far more American officials and American citizens out there to be targets than terrorists offer us targets. It strikes me that if you are going to engage an opponent, you not do so with weapons and tactics where that opponent has the advantage.

I have learned over the years never to say "never." Where there is the legal framework of a declaration of war, where we engage in active operations, overt and covert against a country or a group,

and where there are casualties as a result of that, then that is a somewhat different context.

But assassination as we understand assassination today, in my view, no.

Senator LIEBERMAN. Okay. Thank you both very much. Your testimony has been extremely helpful and, obviously, your full statements will be printed in the record.

Thank you for your time.

Ambassador Busby and Mr. Revell, please. Gentlemen, I welcome both of you. I apologize for keeping you waiting. I hope that you found the previous discussion as interesting as Senator Cohen and I did.

Ambassador Busby, thank you very much for being here.

TESTIMONY OF MORRIS D. BUSBY, COORDINATOR FOR COUNTER-TERRORISM, U.S. DEPARTMENT OF STATE[1]

Ambassador BUSBY. Mr. Chairman, thank you very much, and thank you Senator Cohen. I appreciate the opportunity to appear here today to discuss the terrorist threat. I have provided a written statement and, as you suggest, I will certainly dispense with the reading of that and make a couple of very brief points.

I view the problem of counter-terrorism as probably having been most adequately and best described by my predecessor who at one time characterized it as a game of drag bunts and stolen bases with no grand slam home runs, and I think that is exactly the kind of game that we are currently in.

I would also like to say that I certainly agree with the points that have been made by Senator Cohen with regard to the long term strategy that we should be employing to provide us with the best chance of success. And that is international cooperation and [illegible] clear to state sponsors of terrorism that it is not in their [illegible] that these people can [illegible] vacuum. They don't operate alone, they cannot operate without support, without material and economic support, and that support in most cases does come from certain individual States who believe they derive benefit from the activity of terrorists. I think that we need to continue to pursue that particular aspect of our national policy with a great deal of vigor.

The question of our own internal structure, I would be more than happy to entertain your questions, which I anticipate. I am satisfied that our structure, both for developing and implementing counter-terrorism policy and for dealing with specific terrorist incidents, is effective and adequate. The organization is based on the

[1] See p. 75 for Ambassador Busby's prepared statement.

recommendation of then Vice President Bush's Task Force on Combating Terrorism, which completed its work in early 1986.

It does include a rather large and active Policy Coordinating Committee, which I chair, and a variety of other coordinating mechanisms. The crisis management organization of the Government is well developed. We do exercise it frequently and with great regularity and in some rather complex ways. I think that this organization has proven itself in a variety of actual incidents, most recently the hostage crisis in Lebanon.

You asked in your letter of invitation for some specific comments on the adequacy of intelligence gathering. I would say that in this particular area there still seems to be a problem in intelligence. At the present time we have no human intelligence. We are relying almost entirely on technical intelligence. We are working to improve that. We are expanding the human intelligence capability. We are also working to make more effective use of the information that we do have and more effective coordination might be obtained between our law enforcement agencies and our intelligence agencies to benefit both. The goal is more effective legal prosecutions as well as from an intelligence point of view, understanding and being able to analyze better what actually is going on in the terrorism field.

Finally, a very brief comment on the Congressional role in our counter-terrorism effort. To be sure, I personally believe that an active and vigorous exchange between the Administration and the Congress is absolutely essential as we both go forward in this fight. Also, we look to you, of course, for funding the various programs.

The one program which has been mentioned here today is our national R&D program. That is a State Department funded and managed national program which is designed to fill research and development gaps with particular emphasis on counter-terrorism activities. It is a very small program, but I think one which is extremely effective.

We requested $6 million last year and ended up with $3 million. In fact, Mr. Chairman, it was on your side of the capitol that we had [illegible] program [illegible] [illegible] [illegible]

Senator LIEBERMAN. Thank you. I appreciate it.
Mr. Revell?

TESTIMONY OF OLIVER B. REVELL, ASSOCIATE DEPUTY DIRECTOR—INVESTIGATIONS, FEDERAL BUREAU OF INVESTIGATION [1]

Mr. REVELL. Well, first I would like to associate myself with Ambassador Busby's comments. They certainly reflect my sentiments as well as my organization's. I think we do have a fairly effective interagency coordination process, much more so than we have in certain other areas such as narcotics.

In my view, there are only five ways for us as a Nation to deal with terrorism. One is through diplomatic initiatives, economic sanctions, covert operations, military operations, and my area of responsibility, law enforcement activities.

I think we cannot say one or the other is the way we have to go. I think we have to look at the mix of options and proceed with as many different activities as we possibly can. Pan Am 103 is certainly an example of where if there is a smoking gun that can be detected and it is a nation, then the President and the Congress will have to decide the options.

Up to that point, it is the job of my agency and those that support us to try to find the individual perpetrators and the evidence that will sustain prosecution by whatever government would be able to come into possession of those individuals for that crime.

So we must proceed along all courses that would give us more effective options in dealing with it.

Senator COHEN. What is your assessment, Mr. Revell, at this point, as to the culpability of the group involved, or groups involved in Pan Am 103?

A decision will have to be made by the President, the Secretary of State, the Attorney General, and others, perhaps the Congress, as to what course of action is taken if we are able to pursue it that far.

I am confident that we will identify the individuals who committed the act.

Senator COHEN. How long?

Mr. REVELL. Well, let me use an example. We have an individual in prison in Greece today by the name of Mohammed Rashid. Mr. Rashid is charged with the commission of the bombing of Pan Am

[1] See p. 30 for Mr. Revell's prepared statement.

It took us 4½ years to obtain a war-
of his associates. It took us another 2
n where we could have him arrested

a year for the Greek Government to
up to their extradition treaty with
he is still in custody.
tomorrow, but I am not going to do
ıe Intelligence Committee right after
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king in Germany, we have agents in
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have done an extraordinary job; I'm
ot quite an accumulation of evidence.

to know, at what point do you then
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I don't know that we will reach a
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and the intelligence accumulates, we

e enter this discussion if I may and

ave compiled evidence against a par-
nsible for the explosion on Pan Am
n't acted yet, suggest the difficulty of
it were another instance, as Senator
panel, of law enforcement?
understanding of who is responsible
re it justifies diplomatic or military
kins' terminology—a declaration of
build a case that a prosecutor could
Revell and Mr. Busby to respond to

ne analogy of the La Belle Disco in
clear warnings to Libya that they
rrying out acts of terrorism against
a bombing in Berlin. It was, intelli-
yan Government and the President

t the FBI was involved in that?
authorities conducted that investiga-
e; that was before the passage of the

right.
litical decision made by the national
elieved—President Reagan believed—
ne needed to react because of the prior

conduct of the Qadhafi regime. That is a decision that the President must make, and those of us in law enforcement can simply proceed with doing our job, along with the intelligence community, to give the President, the Attorney General, and the Secretary of State and others what information they need to make those decisions.

Senator LIEBERMAN. That is a good point. While your investigation proceeds on a law enforcement basis—which, after all, is your jurisdiction—the information you gather is shared with the State Department and the White House. And the President certainly reserves the option to determine that the evidence has reached a point where he, as a matter international policy, feels that it is justified to respond militarily, as opposed to waiting for it to go to court.

Ambassador Busby, would you like to comment?

Ambassador BUSBY. I might make one additional point. Certainly, the State Department, the President, and others are aware of the progress of the investigation. And as Buck has said, we receive regular briefings as to both the intelligence and law enforcement aspects of this.

I think that from a policy perspective, what is happening is that the investigation and the intelligence analysis continues to produce results. We are continuing to gain more and more information, more and more insights into that particular event. And so long as that is occurring, what you are in fact doing is continuing to broaden your options. Among the five or more responses that Mr. Revell has laid out, you are continuing to broaden your ability to choose one or more of those options as long as that investigation continues to produce some information which is of value in making that decision.

In my opinion, it would be a shame to cut off that process until it has reached its logical conclusion or until it has actually produced as much information as we can possibly provide to the policy makers.

Senator LIEBERMAN. So you would say that the passage of time from December, when the explosion occurred, until September does not eliminate a military option as a response?

Ambassador BUSBY. I don't think any option has been eliminated.

Senator LIEBERMAN. Senator Cohen, I know you have been involved in this. Do you want to get involved?

Senator COHEN. Well, I would have to take issue with that. I think the longer the time passes between the act of terrorism and the identification, location, and isolation of the individuals or groups responsible, the less likely, any military or paramilitary action is that will be sustained by the American people. I think most terrorist groups understand that and play by that particular rule.

I was just going to perhaps explore the formula being articulated by the Chairman, namely that you can have an ongoing law enforcement investigation but at any point in time the Commander in Chief can intervene and take military action, whether or not you have evidence beyond a reasonable doubt. He can intervene at any point in time and take military action.

But the converse is also true. You can come up with evidence that is clear and convincing, maybe even beyond a reasonable doubt, but because of diplomatic considerations, or the passage of time, the President will decide not to respond in a vigorous manner, as he did with Libya. Is that not the case?

In other words, the diplomatic factors may overrule that evidence. Let's suppose we can identify the individuals and the countries that are supporting the groups who were responsible for Pan Am 103. And let's suppose 2 or 3 or 4 or 5 years, like Mr. Rashid's case, have expired.

Do you mean to say that at that point the President is going to order a military attack upon that particular country or group?

Mr. REVELL. I would think it is unlikely unless there has been a pattern of continuing terrorist acts that can be traced back to that particular source. I think that your analogy is correct, that the greater time lapse between the act and the identification of a state sponsor, the less likely that of direct attack, but I think there can be political and economic sanctions once you are able to make your case in the international court of public opinion, and certainly we can continue to pursue the legal remedies of the leadership of the apparatus that actually carried out the incident.

Senator COHEN. Mr. Revell, do you think we know who was responsible for blowing up the Marine Barracks in Lebanon?

Mr. REVELL. Yes, sir.

Senator COHEN. Any response taken?

Mr. REVELL. No, and there are reasons for that. One is that we have a state of anarchy so we have no government to deal with in Lebanon. And secondly, we had at that time no statutes that provided the United States with the legal remedy. That has been, of course, addressed by Congress.

So I think, one, you don't have access to the individuals who were involved; and two, we don't have any legal capabilities. That doesn't mean at some point in time that there might not be other considerations.

Senator COHEN. Well, what you are suggesting is that those indigenous groups inside of Lebanon were principally responsible for blowing up the barracks.

Do we know whether or not there were any supporting governments who were responsible for the blowing up the barracks?

Mr. REVELL. We certainly have intelligence that would indicate there was outside sponsorship, or at least outside acquiescence.

Senator COHEN. And again, no response taken towards those outside groups or nations.

Mr. REVELL. Correct.

Senator COHEN. How about the Beirut Embassy?

Mr. REVELL. The same.

Senator COHEN. Pan Am 103?

Mr. REVELL. Pan Am 103 is a little different. We do have some other remedies available.

Senator COHEN. None of which have been employed at this point.

Mr. REVELL. That's correct.

Senator COHEN. Are these bunts or singles, Mr. Busby?

Ambassador BUSBY. Are they what?

Senator COHEN. You used the phrase quoting someone else, your predecessor, that in this low level or low intensity conflict, really, we are talking about bunts and singles and no grand slams.

What would you call these events, Pan Am 103, the barracks, and the Beirut Embassy?

Ambassador BUSBY. I am not sure I can draw a direct analogy to baseball in something like that, Senator.

Senator COHEN. Well, I think you did. I am only raising it because you did.

Ambassador BUSBY. I know. I realize that. And what you are getting to, of course, is the adequacy of our response mechanism to deal with these particular kinds of incidents. It is probably one of the most difficult things that we have to deal with.

The adequacy of information which would justify the kinds of responses that perhaps you are suggesting, perhaps not, in terms of military response——

Senator COHEN. I am talking about even diplomatic response. I don't think we have done anything in respect to Pan Am 103 diplomatically or economically. I don't think we have done anything on the blowing up of the Marine Barracks and the Beirut Embassy, nothing.

Ambassador BUSBY. Well, I would have to take issue with that.

Senator COHEN. Tell me what we have done.

Ambassador BUSBY. The adequacy of our diplomatic response—if you are talking about state sponsorship, we have identified—in the Middle East Syria, Iran, Libya and south Yemen as direct state sponsors of terrorism. I would submit to you that on the economic and diplomatic front we have, in fact, taken some rather stringent measures against those countries. And in the case of Libya, of course, we have struck back.

And in fact, one of the frustrations which I personally deal with is, if you are not going to be able—and it is an extremely difficult thing to do, as you know—to enlist the support of all our allies for economic and diplomatic sanctions. They are reluctant to do that in some cases. There are commercial agendas——

Senator COHEN. Have we made the case to our allies as to who was responsible?

Ambassador BUSBY. Yes, sir, and we have done that on a continual basis. In the short time that I have been in this job I have dealt with that particular issue.

Senator COHEN. We have asked each and every one of our NATO allies to join us in taking economic sanctions or imposing them against the individual countries?

Ambassador BUSBY. Join us in the economic and diplomatic sanctions which we ourselves have already imposed on these countries.

Senator COHEN. And they have refused?

Ambassador BUSBY. They have refused in some instances, in some instances they have joined us. As you know, in 1986 we were rather successful in getting some economic sanctions in the case of Libya. Those things tend to erode over time, as I am sure you are aware. It is a continual battle.

It is also true that as a unilateral matter we can impose these sanctions, we can do these things, we have done so. They are nowhere near as effective when we ourselves unilaterally do it as if

we are able to enlist the support of our allies. Some of our allies are better than others on this particular question. It is a very, very difficult matter to deal with. I don't disagree with you on that.

Senator COHEN. I think some of our allies are more inclined to seek a diplomatic solution when they see the United States moving to other options. I think suddenly a notice goes out that the United States has lost its patience. Patience is a virtue, but eternal patience is not necessarily a virtue but a policy of appeasement. And suddenly we say we better do something here, we better get together and take some action which minimizes the risk of this escalating.

But I think if we just continue to talk about it and say, well, our allies are not going to join in because they have too much commerce to carry on with those particular nations, or they fear retaliation on their own soil, the more we discuss that, then I think there is less inclination to take any action on a coordinated basis.

Mr. REVELL. A good case in point was the attempted bombing of the El Al flight from Heathrow. Over 200 Americans would have been on board that flight and it was clearly tracked back to a Syrian military intelligence operation.

Great Britain immediately severed diplomatic relations, we withdrew our ambassador, and there were a number of sanctions taken by the European community, the United States and other free world countries. Syria at that point retrenched to some degree. They took actions against the Abu Nidal infrastructure, although that was not an Abu Nidal operation, because that was one of the conditions laid out.

So there was a holding accountable of one of the nations that Ambassador Busby mentioned that did appear to have some salutary effects. These are the type of coordinated diplomatic actions that we need, as well as law enforcement and intelligence and so forth.

Senator LIEBERMAN. Mr. Revell, this question comes from what I have read in the public press. Isn't the headquarters for the group that is suspected of carrying out the explosion of 103—the Popular Front for the Liberation of Palestine-General Command—in Damascus and operating with the presumed consent of the Syrian Government?

Mr. REVELL. It is.

Senator LIEBERMAN. I wonder, therefore, how effective those political and economic sanctions that were implemented following the El Al Heathrow Airport incident really have been.

Mr. REVELL. Of limited duration as long as the West doesn't show determination to continue that kind of pressure and that kind of cooperation.

Senator LIEBERMAN. So the El Al example at Heathrow reflects our ability to respond, but its effect is of limited duration unless we continue to respond in that fashion.

Let me focus on some of the testimony that was presented earlier. Both Dr. Kupperman and Mr. Jenkins suggested that there is a real possibility, if not a probability, of terrorist acts by the international drug cartel in response to our increased efforts against them, which I certainly support, as I am sure most members of Congress do.

Do you share that sense of what the next wave of terrorism threats will be and, if so, is our Government ready to protect American citizens?

Mr. REVELL. Well, the Medellin cartel, and the Cali cartel to a lesser extent, have already carried out a number of assassinations in the United States.

Senator LIEBERMAN. Would you describe those?

Mr. REVELL. Most of them have been other drug traffickers or individuals involved in transactions with them that went sour or were turf battles. One specific case that was not was an individual by the name of Barry Seal, a contract pilot who had worked for the Medellin cartel, had been a DEA informant, had come out from the cold, so to speak, and was giving testimony. He had relocated to Louisiana, was tracked by the Medellin cartel, assassinated, and we were able to identify six members of the assassination team, all Colombians, and arrest them. So there is an example of an American citizen who was a witness in the courts who was tracked from Miami and killed in Louisiana.

Senator LIEBERMAN. When did that happen?

Mr. REVELL. That was in 1986.

Senator LIEBERMAN. Were those Colombians who were living in America at the time or were they sent here specifically to carry out this hit?

Mr. REVELL. It was a combination. I think there were two that were here and four were brought in.

Senator LIEBERMAN. And what is the status of that prosecution now?

Mr. REVELL. I would have to check on that, Senator.

Senator LIEBERMAN. If you would, if you could provide that for the record.

Mr. REVELL. I was not prepared to really discuss that, so I was just using that as an example.

Senator LIEBERMAN. Understood. I appreciate that.

Mr. REVELL. The likelihood is—and I had a discussion with Ambassador Ted McNamara about 3 weeks ago—is that the reaction will be in Colombia against American targets, just as the reaction is normally in the Middle East or in Europe against American targets. It is easier for them to operate there.

However, that does not mean that we are not vulnerable in the United States. There is a significant criminal enterprise structure on the part of these cartels within the United States. They have dealt in blood since their inception.

Senator LIEBERMAN. Is that their own structure or is it an alliance with American organized crime of one sort or another?

Mr. REVELL. Essentially, they have established an apparatus of their own, but they do interface with a number of other organized crime groups, particularly in the distribution process, and there is certainly the potential. As it was mentioned this morning by Dr. Kupperman they have already dealt with the M-19 in the assassinations of the Supreme Court in Colombia. We have seen attacks in Peru by the Sendero Luminoso against foreign targets, including the United States, and they obtain tribute from the growers. They are not necessarily part of the narcotics trafficking but they profit from it.

We certainly have seen in other parts of South America—Venezuela and Brazil, Bolivia—where there is a nexus between the traffickers and the insurgents and terrorists groups, particularly when it comes to opposing the United States, for various reasons.

Senator LIEBERMAN. Right. In your prepared statement you reported some heartening statistics about the numbers of terrorist incidents in the United States since 1982. I assume that much of that success has had to do with the work that the FBI has done here.

Are we ready now for this next possible wave of terrorism in this country sponsored by the drug empire?

Mr. REVELL. We have a great deal of intelligence about the various drug organizations. However, we certainly do not have—and I don't mean just the FBI—collectively, the U.S. Government, the State and local police do not have the resources to even attack the drug trafficking activities of these organizations, much less assure that they will not engage in acts of violence or retribution.

Our borders are porous, our means of keeping people out or kicking them out are virtually nonexistent. So, Senator, I cannot sit here and give you an assurance that if there is a campaign begun that we can prevent—as we have been able to do with domestic terrorist groups—an escalation in the scale of violence.

Certainly I think that we could mount an effective reactive campaign, but I don't believe that if there was an intent on the part of these cartels to have blood running on the streets of America that we would be in a position to preempt it to the same degree that we have against the domestic groups and, to a degree, against international terrorist groups who have attempted to operate here.

Senator LIEBERMAN. Obviously, that is an alarming conclusion. To the extent that you have suggestions as to how we in Congress can better help you and others in our Government to protect us from that possible threat, we would welcome them.

I want to just go back to that example you gave of the DEA agent who was assassinated. How did the Colombians involved who were not already here enter the country? Do we know?

Mr. REVELL. Through Miami, through a regular visitor's visa under false identification.

Senator LIEBERMAN. Right. Ambassador Busby, I want to ask you just a few questions. Both of you expressed satisfaction with the government's existing organizational structure for responding to terrorism. As you know, some have criticized it for 2 reasons—first, that the office that you hold has been downgraded in terms of its stature, or rank, and second, that there is not sufficient White House involvement in the existing structure.

I wonder if you could respond to both of those criticisms.

Admiral BUSBY. Well, I think there is some misunderstanding regarding the so-called downgrading of my particular office. Certainly Ambassador Oakley and Ambassador Bremer held a Ambassador-at-Large title. Some would argue that having an Ambassador-at-Large for counter-terrorism or for any particular subject is a non sequitur. An Ambassador-at-Large is supposed to be someone who holds a broad portfolio on a variety of subjects.

The office was established at that level, I believe, at that time because there were no assistant secretary positions available and it was a way to give status and rank. When the new Administration

took office, there were a number of Ambassadorships-at-Large in the State Department, there was an Ambassador-at-Large for Cultural Affairs and for a number of other things. There was a decision made that those, except where they are mandated by law, would be in fact abolished and put in a more regularized function. It was a management decision to do so.

Now, at the time that I was asked by the Secretary to assume this position, I sought and obtained assurances that in fact that did not reflect a downgrading of the status of this particular job, and I can say to you that I have unfettered access directly to the Secretary and in the short period of time that I have been in this job I have requested on some sensitive subjects, in fact, one-on-one meetings with the Secretary with no one else in the room, which I have instantly achieved.

I have an ongoing and very vigorous personal exchange, as Mr. Revell can tell you, both with the Attorney General and with the Director of the FBI. I can meet with Cabinet level officials, and have, such as Secretary Skinner and Judge Webster, when I so request.

The real question is whether or not this operation is established at an effective level and whether or not I am being effective in the job. I certainly do not feel it has been downgraded and I, myself, would see no reason to go back to an Ambassador-at-Large status.

Senator LIEBERMAN. How about the involvement of the White House? There are some who feel that the whole operation should be headed by someone within the National Security Council as a way of involving the President's office.

Ambassador BUSBY. Well, as you know, there is an official in the White House on the National Security Council staff who is charged with responsibility for these matters. I deal with him, as does Mr. Revell, on a daily if not hourly basis on some of these matters. We meet regularly. That is a question you would have to ask the White House as to their internal operation.

I, myself, am satisfied that my own entree into the White House and through this individual and Mr. Scowcroft to the President is satisfactory from a policy point of view and from an operational point of view.

Senator LIEBERMAN. In the case of a hostage crisis, like the one this past summer, does the Policy Planning Committee coordinate the American response, or does the National Security Council individual head a crisis team that takes over?

Ambassador BUSBY. The way that would normally operate and the way it did operate is that each individual agency involved has its own crisis management operation. I headed up the State Department's operation. We were dealing on a daily basis with the other players, including with the White House, and funneling options right directly into the National Security Council and into the President. And I think that mechanism worked quite well in that particular instance.

In fact, I had occasion yesterday to speak with a member of the news media who follows these matters who made the comment to me, "Your organization must have been extraordinarily effective, because we get all of our information based on interagency disputes and we couldn't find out a single thing that was going on."

So I think it worked very well.

Senator LIEBERMAN. Senator Cohen?

Senator COHEN. A couple of questions. Mr. Busby, what is the status of the Rashid case? Mr. Revell indicated it has been years. Was it 1982 when you first started on that case?

Ambassador BUSBY. 1982.

Senator COHEN. And through a lot of painstaking gathering of evidence they were able to identify the individual, track him down, have him apprehended and he now sits in a Greek jail.

What is the status of our request for extradition of Mr. Rashid?

Ambassador BUSBY. Well, we have a request before the Greek Government for the extradition of Rashid. That request was submitted back during the Pasok Government, the previous administration. We have made clear to that government, we did make clear to that government at all levels the importance we attach to this extradition.

When the elections were held in June, there was no party that achieved a majority and there was a coalition government formed between the New Democracy and the Communist Party. We have made clear to that government on repeated occasions that we expected to have Mr. Rashid extradited.

They have indicated to us that as a transition government they do not feel that they can take that decision. Rashid remains in custody, he has not been released, and we are at the present time in a waiting pattern until the next election is held. A campaign has now started, and that is where we are.

Senator COHEN. As that Government is in a state of transition, should we give notice to American or Western tourists that perhaps they should not go to Greece during this interim period while there is so much instability?

Ambassador BUSBY. Well, "instability" I think is probably the wrong word. Where there is a direct terrorist threat to American tourists——

Senator COHEN. Why aren't you putting out an advisory against those countries who are not responding to legitimate requests from this country to extradite known terrorists?

Ambassador BUSBY. Well, a travel advisory is designed to warn American travelers that they face a direct threat. We have hesitated and don't use it as a policy instrument to punish governments to cut down tourism to their particular countries.

In the case of Greece, we have looked at that and we don't see a threat that is sufficient to warrant the issuance of a travel advisory at this time.

Senator COHEN. What exactly do you intend to do with the country of Greece in terms of getting Mr. Rashid out of there?

Ambassador BUSBY. Well, I think that we have already made clear to Greece that their relationship——

Senator COHEN. We keep making clear and you get no response, saying, well, we are in a period of transition, we haven't got a majority, so and so is in charge.

In the meantime, this fellow is sitting there. We have got pretty conclusive evidence, according to the FBI's records, that he was involved in a terrorist act, and what is taking place?

Ambassador BUSBY. What we have done is in accordance with our normal international practice which we have to abide by. We have submitted a request for his extradition. We have also made clear—and I don't think there is a single politician in Greece of any stripe that doesn't understand the importance which we as a country place on this particular case—and we have indicated to them——

Senator COHEN. Those are words.

Ambassador BUSBY [continuing]. If it does not come out correctly, if they do not abide by the Supreme Court decision, that their relationship with us is probably going to suffer consequences.

Senator COHEN. In what way, Ambassador?

Ambassador BUSBY. Well, it is difficult for me to predict just exactly what kind of actions we might take and I think it would be wrong to do that.

Senator COHEN. Well, I think it is pretty clear from my perspective in terms of the kind of action we would take, it would probably be no action whatsoever. You, yourself, maintain that as soon as we lose interest or the position of the United States seems to wane, then the response drops off proportionately. I haven't seen much pressure being exerted about Mr. Rashid.

Ambassador BUSBY. Well, I assure you that it has been exerted.

Senator COHEN. Okay. Well, I await the transition Government to see what takes place.

That in itself, Mr. Revell, the Rashid case, painstaking as it was, I think is not exactly a prime example of how we should go about trying to apprehend people that we believe—not only believe but know—to be engaged in terrorist activities. When the Chairman was asking you why haven't more activities taken place here—and I have been asked that question many times—I usually give two responses, number 1, we have been very good, the FBI has been very good.

The FBI has also been very lucky in that situation. That is probably going to change. It is probably going to change in the future. And the Chairman was asking what can you do. What kind of recommendations—the only qualification I would add to that, short of suspending the Constitution—would you recommend that we take to deal with this potential and very real threat to us?

Mr. REVELL. Well, first Senator, I appreciate the comment that we have been good, and I will take all the luck we can get.

In a free society—and none of us would want to see us change anything that underlines the basic precepts of this Nation—we have been able to fight terrorism when some of our antecedent countries such as the United Kingdom have had to curtail through diplock courts and trial without jury and so forth, their own civil liberties to fight terrorism. We have been able to do so without it.

But the underlying premise is that we have mechanisms available to us to lawfully—and I stress the word "lawfully"—collect intelligence that allows us to preempt and prevent rather than to react. And I think that's the key, that we are not in a reactive mode in this country. We use foreign intelligence, we use intelligence we collect domestically through court orders, through both FISA and Title III, and through a continuing process get out in front of these groups, whether it be a right-wing domestic groups

such as the Aryan Nations, or whether it be Abu Nidal or any foreign group that might have an infrastructure in the United States.

We will not always be there before the bomb goes off. I am not going to promise that we can. We cannot, but when we are not, then we should be and intend to be in a position to react very quickly and effectively and resolve, as we have done with the FALN, the Macheteros and a number of other groups, to take the leadership and the structure of that organization off the streets. That is our intent, to know the organizations, the structure, the philosophies and intent, and to take them off the street as an entire enterprise using the law.

I don't know that we can do that if there is an influx of hundreds, or even, of course, thousands, because it is a very painstaking process. But so far, with the level that we have had to deal with, we have been able to do so with the laws and with the guarantees that we have.

Senator COHEN. Once they come into the country—let's suppose they come in posing as students—once they are here, have you had difficulty getting them out? If you have identified them as belonging, perhaps, to the Revolutionary Guards, can you get them out?

Mr. REVELL. No, sir. We couldn't get Carlos Marcello out of the United States for 40 years and we knew he was a Mafia boss and he was here illegally.

Senator COHEN. Do you need a change in the law?

Mr. REVELL. The immigration laws are very difficult to deal with when we need to exclude someone that we have intelligence—not evidence, but intelligence—is a member of an organization whose sole purpose is to carry out acts of violence. And we don't have any mechanisms available under U.S. law to allow us to do that.

Senator COHEN. Can you think of a constitutional way that we might do it?

Mr. REVELL. I think that there are means by which you can have a special court set up to examine evidence in camera, where we can use intelligence information, even under some circumstances like the FISA court where their rights can be protected, but the primary right is the prevention of terrorist acts against the United States by people who are visitors to the United States.

We are the only country, other than Canada, who allows people to stay that we know pose a threat to the United States, and we simply say, well, we have got to wait until they commit a crime. And I don't believe that the Constitution requires us to do that.

Senator LIEBERMAN. I would like to invite you and your staff to put together a proposal, and I for one would be glad to work with you in to advance it in here in Congress, because the threat is real.

Mr. REVELL. We have submitted a recommendation to the Justice Department, it is before the Attorney General. One was submitted by the last Attorney General to the Congress, and we will certainly be glad to do so.

I would emphasize that we are not looking to remove from the United States people because they have views that might be in some way contrary to ours. We are talking about active members in organizations that have only one purpose, to commit acts of terrorism or political violence.

Senator COHEN. If I could just come back, I recall, in terms of talking about responses, when Salman Rushdie came on to the scene with his very controversial, indeed, "blasphemous" book called "Satanic Verses," there was an execution order sent out on him. But not only on him, but also upon the publishers of that particular book. Bomb threats going to the publisher, book stores, some of them being bombed, assassination threats to given individuals, editors. And then we have the bombing of Ms. Will Rogers' van out in California. And what was our response to that? We fired her. She lost her job because she posed a threat to the school children.

Mr. REVELL. I thought that was tragic. That case is still under active investigation. We will not close that case until it is resolved. I cannot tell you at this time exactly who committed that particular act, but we will continue to pursue it. We did, of course, investigate a number of threats. There were several hundred. There were three bombings, one of a newspaper on Long Island and two of book stores on the West Coast.

Certainly there was a potential for even greater violence at that time. I think the very vigorous and active investigation had some dampening effect on that process. But those are the kind of international stimuli that can cause a significant reaction here in the United States.

Senator LIEBERMAN. Thank you. Let me come back to one last series of questions and then move on to the next panel.

I gather, Mr. Revell, that one of the reasons why you have been successful in stopping domestic acts of terrorism, accepting my colleague's notion of good work and good luck, is that you have been able to some substantial degree to infiltrate of some of the groups in this country. Is that correct?

Mr. REVELL. I think infiltration is probably the wrong term. Many times we will not have anybody inside the group, but we will have enough people on the periphery who understand what they are doing to allow us to utilize various techniques that do allow us to penetrate their activities.

But the domestic groups are like the international groups, in that cellular structure is very difficult to penetrate.

Senator LIEBERMAN. This leads me back to the occasion when the Israelis seized Sheikh Obeid and we saw the tape of the killing of Lieutenant Colonel Higgins. There was a lot of concern expressed on the Senate floor at that time, and off the floor, about the lack of adequate so-called human intelligence on foreign soil to help prevent terrorist acts. At one point I think the President, himself, said that he wished he knew more about what was actually happening.

Is that true? If so, is it a problem we can do something about by committing more resources to human intelligence, or are there just limitations on how effective human intelligence can be in these cases?

Ambassador BUSBY. Well, I think Senator, that human intelligence can be very effective if we could obtain it. But in the case of Lebanon and that particular area, I think it is well documented the difficulty that our intelligence operations encounter in trying to operate. Our position on the ground there is not what it might be in other parts of the world. In some cases, and particularly with

regard to Hezbollah and some of the others, they operate on the basis of blood ties, family connections, extremely tight security, and virtually no electronic communications whatsoever.

Things are done by courier, they are done personally. Anyone who is not a member of the family and not been known in the region for years is considered to be an enemy. Under those kinds of conditions, it is very difficult to operate a human intelligence operation. And I don't think there is anyone who will tell you that we have adequate intelligence on which to base decisions.

Senator LIEBERMAN. As our investigation of those acts, particularly the killing of Lieutenant Colonel Higgins, goes on, does either of you think that we have sufficient evidence at this time to ask the Israelis to extradite Sheikh Obeid to us for prosecution?

Mr. REVELL. Well, what we have seen has been largely in the newspapers. We have not had access to Sheikh Obeid or his statements. And even if we did, we would need corroborating information. But certainly the murder of Colonel Higgins is a violation of U.S. law and that would have to be an option that was considered.

Senator LIEBERMAN. I thank you both for your testimony, which has been very helpful. I want to say for the record, and I know I speak for Chairman Glenn and the whole Committee, that this Committee intends to continue its oversight of America's counter-terrorism program, and we look forward to working with both of you and your agencies and to developing a constructive working relationship. I thank you very much.

Ambassador BUSBY. Thank you, Mr. Chairman.

Mr. REVELL. Thank you, Senator.

Senator LIEBERMAN. May I exercise the prerogative of the Chair and ask for a 3-minute recess and ask Admiral Turner and Mr. Koch to approach the table.

[Brief recess.]

Senator LIEBERMAN. The hearing will come back to order and we will resume with this third panel of witnesses. We have heard from two outside authorities on terrorism, then from the people responsible for America's counter-terrorism program, at this point, we will hear from two individuals who have been directly involved in Government and now have the perspective of having some distance from the immediate fray. We ask you particularly to help us consider some of the major policy questions that surround America's counter-terrorism efforts.

I welcome both of you. I am grateful you have taken the time to come. I can't think of two people that I would rather have here at this point of the hearing. Now I invite you, Admiral Turner, to summarize your statement.

TESTIMONY OF ADM. STANSFIELD TURNER, FORMER DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

Admiral TURNER. Thank you, Mr. Chairman. I am pleased to be able to be at a hearing which it seems to me is clearly a serious, studied review of our policies in countering terrorism, not just a reaction to crises. One of my concerns is that every time we have a crisis like the tragedy of Colonel Higgins just recently, we begin to

read and hear of all kinds of simple, straightforward solutions to the problem of terrorism.

I would like to go through a few of those that have appeared in the media in the last month or so and give some comments on them. You touched on one of them just a minute ago in the previous panel. That is the question of whether improving intelligence will solve the problem of terrorism. No one can be opposed to improving human intelligence, but I don't think it is an answer in itself.

You may recall that President Reagan and you, the Congress, starting in 1981 gave Mr. Casey lots of money, people, and freedom to operate. Mr. Casey was a graduate of the OSS and dedicated to human intelligence. Yet when President Reagan left office he acknowledged that he never knew where the hostages in Beirut were located. That was 6½ years after the first hostage was captured.

Today some, so-called experts who are not in the intelligence business, say that Mr. Casey failed to use some of the techniques of human intelligence that would have substantially improved performance against terrorists.

I would suggest that most of these are either actions which have costs which our society traditionally will not accept, like placing an agent overseas for 15 or 20 years before you actually employ him; or they are actions which have long been in disfavor with the professionals in the CIA.

Now, one can argue that we should change these attitudes of the public—these cultural approaches of the professionals. Perhaps we can. But I believe we are not going to, under any new set of rules, see such a radical change in our human intelligence that it is going to be a solution in itself.

A second idea that has been discussed frequently is that of improving our military forces for rescue operations. Since the fiasco, in which I played a planning role, at Desert one in 1980, the Pentagon has reorganized and reemphasized. You, the Congress, in 1986 mandated more attention, more money and authority in that area also.

But for the last 7 years we have had hostages in Beirut and we have not attempted one rescue operation. I don't think it is unfair to say that we have not even been able to get a rescue force into position in a sufficiently timely manner to have had a chance of doing a rescue. Most of us, of course, can think of ways to improve this. But as a practical matter, again, there are societal attitudes, there are cultural attitudes in the profession of the military that make the odds of a quantum leap of improvement here rather low.

A third suggestion is that we always retaliate against all acts of terrorism. The theory is that only if we punish terrorists can we deter them, and that if punishment involves killing of some innocents on the side, that can be justified by the number of innocents who will be saved if we can deter future terrorism. I happen to question the theory because terrorists are not usually rational individuals, in our terms, at least, and hence not easily deterred. But even if we accept the theory as sound, I would suggest that American Presidents will not follow it.

Lyndon Johnson did not bomb during or after the *Pueblo* crisis; Richard Nixon did not attack during or after the hijacking to

Dawson Field in 1970; Jimmy Carter did not use military force in 1979 or 1980; and Ronald Reagan did not respond militarily to three heinous bombings in Beirut, more than a dozen kidnappings in Beirut, the hijacking of TWA Flight 847, and half a dozen other bombings, including Pan Am 103 just last December. I believe it is unlikely we are going to have another President who is more willing to use military force than Ronald Reagan. But President Reagan put it succinctly in 1985 when he said that if we fire bombs into Beirut in a, "general direction," we would become terrorists, ourselves.

Advocates of retaliation, of course, point to the fact that in 1986 President Reagan did decide to bomb Libya, and with good effect. The circumstances were unique, however, and they enabled President Reagan to set aside his concern about becoming a terrorist himself. He had reasonable intelligence, the United States did not have other hostages being held by Libya, Libya is a pariah state with no other nations that will really support it, and we were intensely frustrated as a public. In short, the Libyan case shows that while military retaliation certainly has a place in countering terrorism, it also is not a solution in itself.

Still another suggestion that I have heard is to reinstate assassination, on the grounds that if we have compunctions about killing innocent civilians, why not kill the terrorists, themselves. That should deter them. Again, I happen to think the theory is unsound, but let's set that aside. I don't think the idea will sell anyway.

From 1947 until 1976 the CIA was in the business of doing assassinations, but it never pulled one off. And then in 1975 your Chamber, in the report of the Church Committee, resoundingly condemned the CIA for even having toyed with assassination in the past. There were no dissenting votes, not even Senator Barry Goldwater, who was a member of that Committee. Then in 1976 President Ford issued a prohibition on assassination in the first Presidential Executive Order on Intelligence. Jimmy Carter and Ronald Reagan reissued that part of the Executive Order without a word of change. And today our President is the very man who was the Director of Central Intelligence when President Ford issued that order.

In my view, Presidents are not going to get into the business of authorizing assassinations. No President is going to risk the kind of mistakes that can be made when attempting an assassination. Witness the Fahlallah affair in 1985 in Beirut in which we were implicated and in which some 80 people died in an attempt to assassinate one individual.

My message is that it is not theories of countering terrorism that count, it is what our democratic system with its respect for human values, with its respect for the due process of law, and under the kinds of pressures an open society creates, will accept. Experience has shown that while we can use better intelligence, improved rescue forces and occasional retaliatory actions, we will not pursue any of these to the extreme of being solutions in themselves.

Now, on the other side of the coin we hear continually about one solution which we are told we should always eschew. That is to make deals with terrorists in exchange for hostages. The theory sounds attractive, you don't want to give terrorists an incentive to

do more terrorism. But history belies the theory. George Washington was the first President to trade arms for hostages with the Barbary pirates. Thomas Jefferson paid ransom. Theodore Roosevelt is famous for proclaiming "this country wants Perdicaris alive or Raisuli dead," but then he arranged to see that the bandit, Raisuli, received every single demand that he had made.

Lyndon Johnson signed a false confession to get the crew of the *Pueblo* back. Richard Nixon urged three of our allies to release known terrorists from jail to get 39 American hostages off a hijacked airliner. Jimmy Carter traded $8 billion for 52 hostages. And, Ronald Reagan made two deals, 766 Israeli prisoners for hostages and various arms for hostages. It makes life a lot more difficult for our leaders when we proclaim we will not make deals. It puts them in the position of having to retreat when they do make one. Not every deal that is offered will be acceptable, of course, but some will be.

And there are still other options we must always keep in mind. They are not ones that receive a lot of attention, because they are not dramatic and they are never solutions in themselves, either. There is diplomacy; there is economic pressure; there is law enforcement to arrest and put terrorists in jail; there are defensive measures at our embassies, at our airports and in our individual travel; there are genuine efforts to solve the grievances behind terrorism, at least when those grievances have some reasonable foundation.

And finally, and painfully, there is patience. It is excruciatingly difficult to talk to the wife of a hostage and tell her she ought to be patient. I have had to do it. Our government is having to do that today. Unfortunately, we will probably have to do it again in the future. But there is not always something that we can do, and I suggest we should be careful to distinguish between doing something that will be effective against terrorism and something that just gives vent to our frustrations and may aggravate the situation.

Mankind has confronted terrorism in recurring cycles over the centuries, but in time mankind has always won.

Thank you, sir.

Senator LIEBERMAN. Thank you, Admiral Turner, I appreciate that statement very much.

Mr. Koch, I know from your prepared statement that you disagree with some of the major points that Admiral Turner has made, and I look forward to hearing your testimony now.

TESTIMONY OF NOEL KOCH, FORMER DIRECTOR OF SPECIAL PLANNING, DEPARTMENT OF DEFENSE [1]

Mr. KOCH. Well, Mr. Chairman, I don't want to get preempted on this. I am not sure to what extent and whether or not our agreements or disagreements are matters of degree. But I know we are under a time constraint and I will submit my remarks for the record and summarize very quickly here.

The Committee has asked for our views on policy options available to the Government for responding to acts of terrorism, includ-

[1] See p. 100 for Mr. Koch's prepared statement.

ing negotiations, concessions, economic sanctions, the use of force, and particularly on our preparedness, I think, to use the force as well as the moral, political and practical aspects of this option.

There is a question of whether we should end proscription against assassination as a tool in dealing with terrorism. This has to do with Executive Order 12333. Let me dispose of that quickly. I think that the Executive Order should be explicitly rescinded. This, however, is not a legislative issue and the President signed that, and he can rescind it.

As regards policy per se and the adequacy of policy, we tend to treat policy as and end in itself, particularly in the Executive Branch, obviously, rather than a predicate for action, or for inaction, if that is what is warranted. We can wait months, even years, for the symphony of weasel words that frequently passes for policy, and sometimes, as in the area of low intensity conflict, as Senator Cohen knows, we can spend years waiting for a policy in vain.

The failures of the previous Administration, specifically in the Pentagon, to deal with this needs to be rectified and I trust is now being rectified, and I raise it because it is a piece of the puzzle that we have to deal with in dealing with terrorism and forced options.

I think generally in dealing with terrorism, the less the President's hands are bound by policy per se, the better. I was a member of President Bush's Senior Advisory Group when he led the Task Force on Terrorism. He immersed himself very fully in every detail of the problem, meeting often with the working groups. He came into office better prepared to deal with the problem than has any President in the past, and he knows more about it than most of the self-annointed terrorism experts that we have among us today.

Suffice to say, the task of dealing with terrorism is not helped by the encumbrances of policy. It is better managed on a situational basis, but it does have to be managed, and that management has to come from the top. As indicated in my prepared statement, force occupies a distinct and independent place in the hierarchy of options to be addressed. If we wish to use force, we have to be prepared to use it, which sounds self-evident, but it turns out to be a fairly complicated proposition. These things have to be planned, intelligence has to be collected, analyzed, fused, integrated. Forces probably have to be prepositioned, logistical arrangements may have to be put in place.

All these things take time. They cannot be carried out immediately with a mere issuance of an order. And no matter how compartmented our approach to all of this, if we are prepared to use force, the fact is going to surface. Whether or not it will have deterrent consequences, I don't know. But I have never believed that there was much of a deterrent option in this.

But more importantly, if we are not prepared to use force, that fact is going to surface, too. And the surest way to let it be known that we do not have the will to use force is to tolerate neglect on the part of those who would have to execute the wishes of the national leadership. This would be chiefly the Pentagon and, possibly in some regards, the Central Intelligence Agency. If they are not doing what is expected of them, then you can pretty well kiss your force options goodbye.

As to constraints on force, I would say very quickly, don't use it indiscriminately, don't use it if it is going to cause a lot of ancillary deaths. Most of all, don't use it for political purposes, for reasons, because you have got yourself backed into a corner with a lot of rhetoric and now your advisors are telling you that you have got to do something bold. I think the President has been especially prudent and farsighted in avoiding this trap.

We should not also, Mr. Chairman, over estimate the utility of killing people. Killing Europeans for the purpose of stopping terrorism would be completely feckless. I just offer that as an example. I think it is self-evident. Killing Middle Eastern terrorist leaders may have some short term positive effect on the problem. We should not foreclose on the possibility, we should not count on it much, either.

We should, I think, take advantage of the opportunities afforded by state supported terrorism and act against the country supporting it. The one that comes most particularly to my mind at this moment is Syria. But if we decide to undertake such an effort, it ought to be done to succeed.

Let me cite as an example the bombing of Libya in April of 1986. Contrary to popular opinion, this had virtually no effect in terms of bringing Qadhafi to heel. It was not without benefit entirely. It made our allies think for the first time that we might be serious about dealing with terrorism, and partly in the interest of dissuading us from the further use of force in their backyard, they began throwing Lybians and Syrians out of their countries, and this helped considerably to reduce terrorism in Europe.

If the force options are covered, the rest pretty much comes into focus. The matter of negotiations, whether we should do it, whether we shouldn't, it seems to me it is a very overblown issue. You deal with these things pragmatically. You will find, if you deal with terrorism very much, that the opportunity to negotiate is received as something of a relief. It is action, it gives you an opportunity to master the situation. Negotiation breaks the silence, you welcome it.

As far as concessions are concerned, I have personally never believed there was much to be gained by harping on the fact that we would not make concessions. Again, I think we ought to deal with these things on a situational basis. What always concerned me, as long ago as 1981, was that this was the only thing that we had that looked like a policy, which was you would stand up and scream "no concessions, no concessions."

Anybody that knows the least little thing about the fragility of the infrastructure in this country, the availability of targets in this country, would know that if you want to make a target of a "no concessions" policy, you can do it very readily and you can demonstrate that this country can be brought to make concessions, and I don't think we ought to bring ourselves into that kind of an ambit.

There are, as I said, many ways to destroy that position, and we have found, ourselves, as have our allies, that it has been in our interest in certain points and times and certain instances to make concessions, and Admiral Turner has dealt with that at some length. And what is remarkable is that it is throughout our histo-

ry, it is not just in the last 8 years. So I think we have to be more realistic about.

I took the liberty of noting, finally, Mr. Chairman, there are dimensions to the terrorism problem that are not averred to in the Committee's invitation, and that these include actions which we have been reluctant in the past to describe as terrorism. These include attacks by animal rights groups—the FBI now lists one of them as a terrorist organization—anti-abortionist groups, environmental conservationist groups. Leftist groups have finally figured out what Willie Sutton always knew, which is that instead of killing politicians, go after the banks and the bankers.

These actions all, it seems to me, reflect the logical extension of the attitudes and motives that underlie special interest pressure groups, which is a breakdown in the authority of the democratic process. I think there is a real threat coming before us as we go through our political transition into the next century, and it is the important issue.

Thank you, Mr. Chairman and Senator Cohen. I will be pleased to address your questions if I can.

Senator LIEBERMAN. Thank you, Mr. Koch. Senator Cohen I know is already late for another meeting and I want to ask him to ask the first round of questions of this panel.

Senator COHEN. Mr. Koch, as I read your statement and some of the articles that you have written, you say, number one, we have neither the forces for effective military action, and even if we did, we don't have the will to use them.

Mr. KOCH. Do you want me to comment on that?

Senator COHEN. Am I incorrect in that conclusion?

Mr. KOCH. Yes, sir, Senator. I don't mean to be totally immersed that we ought to be hell bent for opportunities to use force. The problem is that if you are not prepared, then you can't simply turn to Admiral Turner and say, okay, I want you to go hit the Bekah Valley, because it takes a long time to prepare for this. And if you are not prepared, people know it. So there is no point in pretending that you are going to use it if you are not prepared to use it.

Senator COHEN. Are we prepared?

Mr. KOCH. No, sir, we are not.

Senator COHEN. Okay. Next question. Assuming we were prepared, based upon your experience while at DOD, did we have the will to use it?

Mr. KOCH. I think there is a cause and effect relationship here. If we haven't made the preparations, then one would have to assume that the will is not demonstrated.

Senator COHEN. Okay. Well, let me quote for you your piece in the New York Times in which you indicate, "However unflappable Secretary of State James Baker may be, the State Department bureaucracy will be aflutter at the prospect of any action at all."

Now, let's assume we have the special forces that you and I have worked to create, we have a SOF command now, we have an Assistant Secretary for Low Intensity Conflict, we got all of that now.

Now, I have a statement from you saying the State Department will be all aflutter at the very prospect of using force even though we have the capability, right?

Mr. KOCH. Correct, sir.

Senator COHEN. Then you have a statement, "The United States military is not enthusiastic about retaliatory actions."

So now we have the DOD that is also reluctant to engage in a military response, assuming it has the capability now.

So the question I have is, we now have the capability—perhaps we have the capability—now do we have the will power, in your judgment, based upon your experience?

Mr. KOCH. I know you want a short answer to that, Senator.

Senator COHEN. I want you to rebut what I have just said because I was trying to put you in a box, and I want you to explain exactly what you have written.

Mr. KOCH. Well, these descriptive treatments of both the State Department and the Defense Department tend to have a pejorative connotation to them as we take them out of that context. When you deal with the question of attacking Libya, the question of attacking the bases the regional people in the State Department normally are going to mount the arguments against activities of that sort.

As far as the Department of Defense is concerned, I think in that article I have characterized retribution as much more the way they like to characterize it, which is revenge. They don't see themselves in that business. I respect that attitude. It seems to me that you are going to have to find some system that separates itself from the exigencies of regional interests at the State Department and the natural concerns that affect the Defense Department, the JCS, and function in that environment.

Senator COHEN. But what you are saying is that as long as the military characterized it as revenge, then you really cannot have retaliation, what you have to have is preemption, then it falls in the military field?

Mr. KOCH. No, sir. I think you simply have to take into account their attitude toward this.

Senator COHEN. Well, you talked about behavior modification for Colonel Qadhafi. Is this a behavior modification program for the Defense Department?

Mr. KOCH. No, sir. Since you have quoted my comments to me, let me quote yours to you.

Senator COHEN. All right.

Mr. KOCH. There was a time in which you argued forcefully for the creation of some separate entity within our Government to deal with these kinds of problems. At that time I think you and I were not in total agreement, and I now bow to your superior wisdom. I think at that time we should have done that and we would have a lot less difficulty on this front than we are confronted with today.

Senator COHEN. You are under oath when you say that.

Mr. KOCH. Yes, sir. [Laughter.]

Senator COHEN. Well, let me come back to intelligence, because we haven't really dealt with that.

Mr. Koch, you had some experience at the time when the Marine barracks were destroyed in Lebanon. What was your experience relative to the quality of intelligence that we had at that time?

Mr. KOCH. Well——

Senator COHEN. And you have also written—so I can shorten it up, because I do have to leave—that the Department of Defense had a human intelligence program underway during the 1980s which was systematically dismantled by the CIA.

Mr. KOCH. Yes, I think you are familiar as a member of the Committee what that unit was. In the period running up to October 23 when the BLT was bombed, there was a great deal of stress within the Pentagon which in part was related to our efforts to restore special operation forces. And we had an especial concern because we felt that the kinds of terrorism that we were used to dealing with—assassinations, stand-off attacks, typical bombings—a typical bombing is one or two people get killed. But these truck bombings were a totally new experience for us, and we felt that we had not made an accommodation with that.

Following the bombing of the embassy in April of 1983, we sent people in there to review the situation on the ground. They came out, they pointed out all the inadequacies that existed. That report was stowed under the rug and we spent a long time trying to pull these back into the view of the Secretary and others within the system in our Government, and we were not able to do that before the BLT went up in October of 1983. And to my mind, there is still no excuse, no way to say to ourselves that couldn't have been avoided. I don't accept it.

Senator COHEN. Thank you.

Senator LIEBERMAN. Thank you, Senator Cohen, for being here. Let me pick up, if I may, on the line of the questioning of Senator Cohen.

Mr. Koch, in your statement and in the article in the Times which Senator Cohen referred to, you suggest that the President really does not have the widest array of options available to carry-out an effective counter-terrorism policy. And as I read your statement, it led to a conclusion that we are not as forceful—if I may take the liberty of using that word—in responding as we should be.

In that regard, I was puzzled by your criticism of the attack on Libya, which stands out as one of our more forceful responses to terrorism. I wonder if you could just speak a little bit more about your criticism of that attack, and if that did not work, what would have? What should we have done in response to Qadhafi?

Mr. KOCH. Mr. Chairman, my criticism of the attack on Libya was that it did not work.

Senator LIEBERMAN. By what standard?

Mr. KOCH. By the standard that if it was designed—and it should have been designed—to curtail Mr. Qadhafi's involvement in terrorism, it did not do that. We chose Mr. Qadhafi for two reasons, one, he was an easy target, and two, because we had at last the intelligence that we thought then and think now was irrefutable, of his involvement in a terrorist activity against our interests.

But I want to expand on this a minute. I want to be clear that what we are talking about and what the Committee has discussed here is the menu of options available to the President. I have said that the force option is not one that is readily available to him because it is not prepared in advance. If you don't do it, you cannot exercise it.

So on that account, he does not have a full menu of options. But I want to be clear this is not the same as saying—and I think Admiral Turner and I may be more of one mind than it may appear on this—that force is the most desirable option or that we need to use it more, but simply that the President needs to be able to have it available to him if he chooses to use it. Because if he does not have it available, if he decides now that I want to use it, he is not going to be put in the position for at least 3 to 4 weeks to where he actually can use it. And by that time the Congress and the American people will have lost the—support for this activity will have dwindled away.

Senator LIEBERMAN. The President would not be in a position to use it for 3 or 4 weeks because we wouldn't have the evidence, to justify it in that period of time, or because it would take us that long to become ready to strike militarily?

Mr. KOCH. By the time you select your targets, put your folders together, preposition your forces, figure out how you are going to get them into place, do all the hookups that you have to do for tanking and the rest of it. These are complicated procedures and with the best skill in the world—and we have it in the Defense Department—it still takes a while to get this stuff in place. But principally, you have the intelligence. The targeting procedures are difficult.

Senator LIEBERMAN. Is there something we should do to diminish that time, or have we really reached the limit? Should we station more counter-terrorism troops abroad, for instance?

Mr. KOCH. Well, that was one of the difficulties. That was one of the unanswered questions in the Vice President's Task Force, was simply that the time that it takes us to put elements in place is extremely problematical, and so we looked at the possibilities or prepositioning, and that remains a live question, I think.

Senator LIEBERMAN. What would you counsel us on that?

Mr. KOCH. Well, it is almost too difficult. I would prefer to discuss it in closed session.

Senator LIEBERMAN. Understood. Admiral Turner, how do you evaluate the attack on Libya? Was it effective?

Admiral TURNER. I agree fully with Noel that it was largely effective in its impact on the European allies, they saw this as a precursor to more such activities and saw the counter to it from Libya being terrorist acts against Americans in Europe. That would, of course, involve them. And so, from a selfish point of view, and an understandable point of view, they began to come around. And I think it had a very good effect in that regard.

Senator LIEBERMAN. Let me focus on something topical that came up with the previous two panels—the possiblity of a new wave of terrorist threats from the international narcotics cartels. This is really all part of a changing definition of what our national security means which, of course, has coincided with a change in policy in the Soviet Union, so a lot of us here are asking whether the greatest threats to our security are coming not from the Soviets but from terrorists and from international and domestic drug dealers.

In terms of the discussion we have just been having about the use of force, here we have a situation where the President is appar-

ently prepared to provide military assistance to the Latin American countries to fight the drug cartels.

From your knowledge, are we prepared to carry out an effective military response in the Andean Nations to the drug dealers?

Admiral TURNER. Well, I am not as up to date as Noel on what is going on in the Pentagon, but if I could expand my response to take in the dialogue you and he were just having, I believe we have made a fundamental mistake in looking on counter-terrorism, low intensity conflict, as a unique animal that is set aside under a special command.

It is my experience that unless an activity falls in the main line of the military chain of command, which is the Secretary of Defense and the Chairman of the Joint Chiefs and the Unified Theater Commanders—it is not going to get the attention that will be required to have it instantly ready.

It took from the 4th of November, 1979, when our hostages were taken, until sometime in March of 1980 before the United States military was ready to tell the President we could do a rescue operation. That is substantiated by the Holloway Commission report, it is not my opinion. That report says it was March before we had a capability. Not just a few days or a few weeks, but months after the seizure.

Senator LIEBERMAN. Is it a question of the Pentagon not being sufficiently involved in our counter-terrorism planning? Or is it, as some have suggested, that the Pentagon sees its role as dealing with conventional or nuclear attack and is therefore not willing to get involved in this kind of counter-terrorism?

Admiral TURNER. Yes, I think that is very much the case. We don't get the attention of the military to these lower levels of conflict. We have not had that. And again, I would suggest that putting all these low intensity conflict commands out somewhere else, other than in the chain of command, is not helpful. Because the chain of command is where the money goes, it is where the attention goes.

The Holloway Commission, for instance, recommended that the Joint Chiefs of Staff establish a separate group of retired admirals and generals who had experience in low intensity conflict to advise them when a low intensity conflict arose. A Joint Chief ought to be insulted at that suggestion, because it is saying this is an area of warfare where we don't expect you—one of our five top military leaders—to know much about it. You need some old retired fuds, like myself, to advise you.

And I think we have got to say, in line with your comments on the changing Soviet threat, that this is a very important area of warfare. That does not mean we neglect nuclear deterrence or the defense of Europe, but it means that this area has got to be given more attention. And therefore the kind of forces we are talking about, either for retaliation or for rescue, have got to be out there in the theater under the control of the theater commander. And they should be on the spot.

Noel and I talked at some length one time about TWA 847. There were five opportunities to conduct a rescue operation while that plane shuttled back and forth between Beirut and Algiers. That is, five times that it was on the tarmac. All of them were very

difficult circumstances, but our Delta Force, or whatever forces we sent, did not get there until most of those opportunities were gone and until the odds were getting more and more difficult. If we had been there in the theater and closed the scene within hours, maybe we could done something. It still would have been tough, but at least achievable.

Senator LIEBERMAN. It is exasperating to hear you say this. You know, I am in my first year in the Senate, but I have followed these problems and I have a real interest in counter-terrorism. I believe it is critical to our security.

What can we do in the Senate to see that the kind of inability to respond quickly that both of you describe is improved? How do we make it better?

Mr. KOCH. I don't think, Senator, we or the previous panels have been awfully gratifying on this point, but it is composed of people who have dealt with this a long time over the years and with some disappointment and heartache from time to time, and probably at the beginning we were all new, as you are in your present distinguished position, and had hopes that more could be done than we have discovered perhaps can be.

I think there are some things we can do more than we are doing, but I think we need to get this in perspective. You could look at this thing in a certain way and say this is not really a big deal. We have gotten ourselves—and I hope I am not misunderstood on the point—but we have gotten ourselves very much spun up over this question of our current hostages in Beirut.

Now, a life is a life, this is important. But at certain levels of Government inevitably—and Admiral Turner and I have talked about this as well—priorities set in, you know, and there is a kind of a triage process in which you have to make a decision about what is the most important issue here. Among the hostages that we have, keep in mind that some time ago we freely admitted that we couldn't protect Americans in Lebanon. Whether we like it or we don't like it is immaterial, that is the way it is.

And so the people who stayed in spite of that warning become a problem for us. People like Rich Higgins, Bill Buckley, they have to be there, so we have a different obligation toward them. People like Terry Anderson have to be there, as important as our ambassador. He is part of our Constitution, he is part of the media, has to be there.

But some of the others, if we were looking at rescue and we said, well, we cannot get them all, I guess we can't go in at all. Should we have to be in that position?

And then the larger question is should we just write these things off? You are looking at the problems of narcotics in this country and the problems that are going to begin as a consequence of our efforts in Latin America. I think there is no question that we are going to have a lot of bloodshed in this country as a result of that.

But let's face it, we have got a lot of bloodshed in this country now. If we continue on the current trend, by the end of this year we probably will have 500 people killed in the Nation's capital. This is incredible. If you had those kinds of deaths in Paris, you know, the State Department wouldn't hesitate to issue a traveler's

advisory, but we just take it for granted, for reasons that I think are fairly clear to all of us.

So it may be that while we need to be concerned about this, it affects our credibility abroad, it effects our people, our ability to operate, we don't have an embassy in Beirut now. It certainly is enormously costly, it cost hundreds of millions of dollars. A lot of these are buried costs.

But having said all of that, these are sometimes things, and when they happen, when 103 happens everybody gets excited for 2 or 3 weeks and then the interest tails off. I don't know how you would maintain that interest, and I am not sure of the importance of doing it. I think we need to keep this thing compartmented in ways. We have learned since the Carter Administration that it is maybe not a good idea to call attention to your hostages, so we have tried to learn from that and we have had some success from that. It doesn't make the families feel very good.

You deal with this thing on an ad hoc basis, on a situational basis, and do the best you can. But there is no solution and there is nothing in policy and there can't be anything in legislation that is going to provide that single panacea that has eluded us since the early 1960s when this thing came to us.

Senator LIEBERMAN. It is a somewhat gloomy conclusion, but perhaps it is realistic. Clearly, the hope of this Committee is to help the Government deal with what is acknowledged to be an episodic problem—and to be prepared when it occurs.

Is any of this, Admiral Turner, capable of being improved by tinkering with the Government's existing organizational structure for establishing our counter-terrorism policy? Based on your experience, for instance, should the structure more directly involve the White House? Is the existing lead agency concept functional?

Admiral TURNER. I think that is 6 of 1, half a dozen of the another. Noel has just pointed out what I think has been a real improvement in our counter-terrorism, and that is that we have begun to realize the White House shouldn't go into the Rose Garden and make a national issue of it. And so there is always going to be a reluctance for the White House to be the lead in handling any individual terrorist incident, because that begins to drive you back to the mistake that we made in the Carter Administration which was replicated somewhat even in the Reagan Administration. I think the Bush Administration is handling it much better. So I think the present organization is probably as good a compromise as you can get.

In answer to your broader question, sir, I think, as I said in my opening remarks, what you are doing here in a studied approach to the problem is very helpful. It is just a matter of keeping attention on the issue, keeping the Executive aware that you, the Congress, are very concerned. I think the Armed Services Committee can do a great deal in terms of holding the military's and the Secretary of Defense's feet to the fire on whether the resources going into this area as well as into MX missiles and all the other elegant forms of hardware that we debate endlessly. They are not worth the time and you should get the military to focus more on the lesser and less exciting missions such as this, as well as the big ones. I think

the little drops of water will have to have some effect on the stone over time.

Senator LIEBERMAN. We appreciate it. We have passed the hour when we promised we would conclude. Do either of you want to have a final say?

Mr. KOCH. Unfortunately, yes, Senator.

Senator LIEBERMAN. That is not unfortunate at all. Go right ahead.

Mr. KOCH. I want to respectfully disagree on one point, and that is the current structure. I think that if you want to be able to function in a proactive way—it is a terrible word but we cannot come up with a better one, an antonym for reactive—you have to plan. If you are going to plan, you have to have someone in a position of authority to require that those plans be executed, you know the intelligence has been gathered and so forth. And the State Department as a lead agency is at best first among equals. It doesn't have the authority with assurance to say to the CIA, get this, or what are you doing, and expect an accurate answer. Or to say to the Department of Defense, we want you to do the following.

Having been in that position, I can tell you what the Department of Defense will tell the State Department. So to the extent that any agency in this town, at least constitutionally, is supposed to have some authority over all the others, it is the White House. And I think that we need to put this in the White House. And that has always been an issue here. Following the Vice President's Task Force, we did move it to the White House, but we split the difference. That was done in a fairly covert way and the State Department continued its role. As the policy maker in this thing, that is fine; as the executor, it seems to me that has to be at the White House. And it can be done, and I could not agree with Admiral Turner more on this thing.

But it seems to me, we could split the difference. It does not have to be that if it is in the White House that it automatically receives the attention that the Rose Garden gets. You can have it in the White House where the national command authority sits and the State Department is not part of it and have that be managed in a way that can be done quietly and below the thresholds of constant media exposure.

Senator LIEBERMAN. You would put that in the National Security Council and someone there be overall coordinator of our counter-terrorism policy?

Mr. KOCH. Yes, sir. I think that is about what Ambassador Miller's position is intended to be. And so the fact that he was not sent to this hearing and Ambassador Busby was maybe leads us to conclusions that are not totally accurate.

Senator LIEBERMAN. Understood. Thank you. Admiral Turner, do you have a last word?

I thank you both, for your service to the country and for your continuing service outside of the government.

I appreciate the involvement of all the witnesses. For me this has been a constructive hearing and I hope that it will help the Congress participate in, the development of a continuing and strong counter-terrorism policy. Our policy must address a new threat, which everyone seems to acknowledge is real, from the drug castels

in the Andean nations, against whom we are now declaring a kind of war.

For the formal record, the record will be kept open for additional testimony to be submitted. I thank everyone and officially conclude the hearing.

[Whereupon, at 12:35 p.m., the Committee adjourned, subject to the call of the Chair.]

APPENDIX

TESTIMONY BEFORE THE SENATE GOVERNMENTAL AFFAIRS COMMITTEE

Brian Michael Jenkins

September 11, 1989

When I first testified before Congress 15 years ago, one of the questions put to me was, "Mr. Jenkins, what can we do to end terrorism?" It was the only question for which I was not adequately prepared, and I had no satisfactory answer. I was mortified. I still have no answer, but I am less embarrassed. The fact that the Senate is holding these hearings today suggests that no one else has the answer either. Terrorism has become a part of the political landscape. But this is not to say that we have made no progress against terrorism.

Terrorism has been made a priority issue. Intelligence has improved and many terrorist attacks have been thwarted. We have invested heavily in the security of American diplomatic posts abroad and are increasing the security of our airliners. The United States has extended its legal jurisdiction to cover terrorist crimes committed against American targets abroad and has demonstrated its willingness and its ability to apprehend terrorists overseas and bring them to trial in the United States.

International cooperation has increased. American diplomacy has persuaded PLO leader Yasir Arafat to renounce terrorism. Soviet and American officials are now exploring the possibility of cooperation in the fight against terrorism.

New government structures have been created to deal with the crises caused by terrorist incidents, although government coordination will always be a problem. The use of military force in response to terrorism is now an established precedent. Special operations capabilities have been enhanced.

Despite the progress, no one is proclaiming imminent victory. As we have seen this past summer, terrorists still have the capacity to create international crises. That is the nature of terrorism. It explodes upon the scene, for a brief moment seems to overshadow all other events, then quickly fades, leaving us in the dark, uncertain of its true importance, nonetheless fearful. The handling of terrorist-provoked crises cannot easily be delegated to subordinates. Such crises demand decisions that may involve life and death, often with little time for reflection. They almost invariably, and perhaps inevitably, involve the president.

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For years, we have debated how to organize our government response machinery so that not every terrorist incident would inevitably reach the Oval Office and become a presidential-level issue. To a certain extent, we have succeeded. Still, when the lives of American citizens are at stake in a highly dramatic incident, or when military force may be contemplated, presidential attention is demanded. I don't think any organizational structure can prevent this.

The way in which the president deals with terrorist crises has great political consequences. The handling of such crises caused the last two presidents serious political damage. President Carter could neither rescue nor negotiate the release of the American hostages in Tehran, a failure that, in the eyes of many political observers, cost him the election in 1980. President Reagan's men were discovered secretly selling arms to Iran to buy freedom for American hostages in Lebanon, in clear violation of the administration's own proclaimed policy, setting off a scandal that added a new word—"Irangate"—to the political lexicon. We have learned that incidents of terrorism, while strategically insignificant, may have great political consequence.

Terrorism seems likely to persist as a mode of political protest, as a means of intimidation, and in some cases as an instrument of state policy. The first generation of modern terrorists has provided a model of behavior. Terrorism is a form of conflict that is suited to the technology of our era.

Terrorist groups based in the Middle East have accounted for about 20 percent of all international terrorist incidents and about 35 percent of the fatalities. They are the source of most of the terrorist crises that involve the United States. For the foreseeable future, the Middle East will remain the source of greatest danger. Although international terrorism associated with the Palestinian movement has declined recently, a change in the leadership within the PLO or the inability of Mr. Arafat to achieve any progress through diplomacy could lead to a new terrorist campaign. Shia, and more recently, Christian hostility toward the United States in Lebanon, and possible efforts by hardliners in Iran to thwart any rapprochement between their country and the West, provide additional causes that could generate terrorist attacks.

The spillover from Third World guerrilla wars accounts for an additional 15 percent of the total volume of international terrorism, and 24 percent of those attacks that are directed against U.S. targets. Most of these guerrilla conflicts have continued for more than a decade and seem likely to go on.

Separatist and ideologically motivated groups in Western Europe account for another 18 percent of the total, but these groups only occasionally attack U.S. targets. Terrorism from this source is declining. The remaining international terrorism comes from diverse groups and causes or is carried out by groups that cannot be identified.

We also confront possible new sources of terrorist violence: Carrying the war on drugs to the traffickers in Colombia may bring a violent response from them. We must anticipate the possibility of terrorist attacks against U.S. citizens in Latin America and possibly in this country. Some argue that the drug-related gang violence is domestic terrorism. Indeed, far more Americans die in drug-related gang wars than at the hands of traditional terrorists. The number of gang killings in Los Angeles alone last year roughly equals the level of violence in Belfast at the height of the terrorist campaigns of the 1970s. Here in the United States, we have the embryos of little Beiruts, little Medellins.

Other sources of possible terrorist violence in the future include religious extremism, the violent fringes of frustrated student movements in Asia, and separatist tendencies and ethnic conflict in the Balkans and the Soviet Union—which may explain in part the recently expressed Soviet willingness to cooperate with the United States in combatting terrorism. Beyond these lie a variety of specific issues and causes. Not every item on this list will directly affect the United States, but they will all be cause for U.S. concern.

Simply killing a lot of people is seldom a terrorist objective, but terrorists appear to be more willing now to kill indiscriminately, as evidenced by the devastating car bombs in the Middle East and Latin America and the bombing of Flight 103. Such attacks have become more common. Sabotage of aircraft is the biggest terrorist threat we confront today. Terrorists have placed or attempted to place bombs aboard commercial airliners on more than 40 occasions. Eleven of these have caused crashes. In all, 1,128 persons have died in the past 20 years as a result of bombs going off aboard airliners or in cargo containers on the ground. This represents 20 percent of all the deaths in international terrorist incidents.

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We need to improve screening procedures. We also need to address the problem of how to best deal with the hundreds of bomb threats that are received every year. This is a complicated area involving information that may come from local police, embassies, sensitive intelligence sources, or the air carriers themselves. This information needs to be evaluated and, when appropriate, disseminated to protect the public.

Whether terrorists will escalate their violence beyond what we have already seen remains a matter of debate. Some think it likely that terrorists will eventually employ chemical, biological, or even nuclear weapons to enter the realm of mass destruction. The apparent inability or unwillingness of the world to halt the spread of chemical weapons or punish the countries that have employed them in war does raise fears about their possible use by terrorists. Others see tomorrow's terrorist as a somewhat more sophisticated version of today's terrorist—more brutal perhaps, but well outside the realm of mass destruction. Terrorists are well aware that primitive methods work. We might see the use of "chemical weapons" in scenarios other than mass destruction, for example, the contamination of products as a means of waging economic war against corporations or governments.

We have seen little change in terrorist tactics and are likely to see little change in the future. Terrorists are good at what they do now, and they have virtually unlimited targets, which makes things easy for them. They do not have to innovate. Terrorists are, however, becoming more sophisticated in their technology and in their operations.

There are fewer hijackings now than there were in the early 1970s; security measures have been effective. But terrorist hijackers today are likely to be familiar with security measures, cockpit procedures, and at least some of the negotiating and rescue tactics they are likely to encounter.

If terrorist tactics do not change dramatically, the current terrorist arsenal of weapons should suffice. We confront two problems here: First, the virtually uncontrolled traffic in weapons and explosives has resulted in them becoming mere commodities in international trade, like oil and grain. There are not necessarily more grievances in the world today than there were twenty, fifty, or a hundred years ago, but easy access to weapons encourages those who feel most fervently about a cause to use violent means in its pursuit.

The second problem is that terrorists may have access to some of the more sophisticated military weapons that are now mass-produced, in particular, precision-guided surface-to-air-missiles.

Terrorists' choice of targets, like tactics, has remained fairly stable. Terrorist attacks against airlines and diplomatic facilities have gradually declined—evidence that security measures are having some effect—but attacks on softer targets, including totally indiscriminate attacks whose objective is simply casualties, have increased.

Unless the coming years differ markedly from the past few years, Americans will continue to be the most popular targets of terrorism around the world. The U.S. government cannot protect them. We will see more crises.

While the losses may be numerically small compared with those suffered in more conventional combat or even ordinary crime in this country, they are nevertheless symbolically and politically significant. The public has come to perceive terrorism as a threat to the common defense, and when Americans are attacked or taken hostage, the public demands vigorous government action.

Without backing away from the tough stance of the previous administration, the current administration has avoided the bellicose language that marked our previous response to terrorism. There have been no warnings of swift retribution, no promises of victory. Other issues have ascended on the national agenda.

Can the administration lower the volume of its rhetoric without degrading American capabilities to combat terrorism? Tough competition with other issues for attention and resources probably means some erosion of the resources devoted to counterterrorism, but two areas merit protection: the resources for intelligence, our front line against terrorism, and the coordinative machinery that has taken so long to construct. Reducing the role of the State Department's Office for Counterterrorism, coupled with possible changes in the National Intelligence Officer cadre and the message in the Inman report that efforts to combat terrorism are no longer as important, could, in turn, diminish the ability of counterterrorism officials to mobilize resources and could make coordination more difficult. It is an area to watch closely.

We should also be careful that organizational changes we make not signal to our allies that the United States has reduced its commitment to combatting terrorism. International cooperation against terrorism will be increasingly difficult to sustain at its current high level. With the defeat of most of Western Europe's major terrorist groups and the PLO's changing tactics, our European allies will have fewer compelling reasons to associate themselves with highly visible positions on terrorism or efforts that cause their governments political, economic, and diplomatic difficulties. The trick will be to preserve vital cooperation at the technical level in the absence of high level political rhetoric.

The United States may also find that it has a new political ally in its efforts to combat terrorism. For reasons of its own, the Soviet Union seems to have backed away from its wholehearted support for the various struggle movements whose arsenals have frequently included terrorist tactics, and lately, the Soviets have begun to explore the possibilities of U.S.-Soviet cooperation against terrorism. Despite continuing differences, it may be possible to identify areas of mutual interest where cooperation would be possible.

The question always arises: Would our efforts be better served if we had a terrorism czar? Putting aside the consideration of whether there is room in any nation's capitol for more than one czar, I think not. A czar provides high-level attention, mobilizes resources, and arbitrates bureaucratic disputes. That terrorist-provoked crises sometimes ascend to the White House may be unavoidable, but there is little to be served by giving terrorists official permanent status. Arguments can always be made for a little more money, but U.S. counterterrorist efforts are not hampered by a serious lack of funds, and the coordinative machinery already exists. We need preventive maintenance, not reorganization.

Should we consider terrorism as crime or as war? The question is not merely one of words. These are two different concepts with entirely different operational implications. If terrorism is considered a criminal matter, we are concerned with gathering evidence, correctly determining the culpability of the individual or individuals responsible for a particular act, and apprehending and bringing the perpetrators to trial.

Dealing with terrorism as a criminal matter, however, presents a number of problems. The threat is extremely difficult to gather in an international investigation, and although the FBI does a splendid job apprehending terrorists abroad will always be very difficult. Moreover,

the criminal approach does not provide an entirely satisfactory response to a continuing campaign of terrorism waged by a distant group, and it may not work against a state sponsor of terrorism.

If, on the other hand, we view terrorism as war, we are less concerned with individual culpability. Intelligence reporting can replace courtroom evidence. The focus is not on the accused individual but on the correct identification of the enemy, which can be either a group or a government.

Viewing terrorism as war also gives many problems, however, particularly for the United States. Settling into militarily is difficult both operationally and politically. A military response, moreover, must be delivered soon after the terrorist incident that provokes it.

Neither approach, then, offers a completely satisfactory response to terrorism, and the United States has thus far used aspects of both. Theoretically, the two approaches should not conflict, but sometimes they may. In such cases, it will be necessary to decide whether the need for an immediate response outweighs the possibility of eventual prosecution.

The use of military force as a response to terrorist provocation cannot be ruled out. Terrorist groups offer few targets for conventional military attack, however, and it may be desirable to explore the possibility of inventing new rules that would allow some kind of warfare to be legitimately waged against groups instead of governments.

Military force is more likely to be used in response to state-sponsored terrorism. Since the American raid on Libya in 1986, governments sponsoring terrorism now must at least consider the greater possibility of military retaliation. At the same time, their caution will make it more difficult to obtain the chain of evidence needed to identify and justify a military response. One partial solution may be to disconnect contemplated military action from specific incidents and instead center it on campaigns of terrorism in which individual pieces of evidence may be missing but the overall pattern of activity is clear. That would also relieve the requirements of timeliness and proportionality.

Whether military force against a state sponsor of terrorism is justified in a particular case should be decided in the appropriate political forum—the Congress and, ultimately, in a

formal declaration of war. This would put the use of military force in a proper legal framework in this country and could create considerable difficulties for the target state, even if no shots were fired. A declaration of war would not oblige the United States to use military force, but if it did, it would do so at a time and place of its own choosing.

Realistically, military options are limited. Not because our intelligence is inadequate or because we lack the necessary capability. There are a lot of things we can but will not do because we choose to operate according to rules that reflect values we choose to uphold. We also choose not to use military force when it would not be meaningful, or when it would be counterproductive to other U.S. goals. Most of the time, we will choose to do nothing. We should, therefore, be careful in declaratory terms to avoid language that creates unwarranted expectations or inadvertent pressures for action.

One area where I think we can be more aggressive is that of psychological operations. I am not talking here about leaflets and loudspeakers, but suggesting that we explore more sophisticated means of exploiting terrorists' vulnerabilities. These approaches may involve both military and intelligence resources. The interagency machinery exists, but encouragement and probably some support, including research, are needed.

PREPARED STATEMENT OF

Robert H. Kupperman
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ON THE THREAT OF TERROR AND GOVERNMENT RESPONSES TO TERRORISM

before the

Senate Committee on Governmental Affairs
Washington, D.C.

September 11, 1989

The landscape of terrorism is changing. The Soviet role is likely to decrease, particularly given the great interest on the part of the Soviet Union in developing bilateral cooperative agreements to control terrorist activities.

On the other hand, as the bipolar relationship between East and West continues to unravel, we should expect that smaller states will employ the tactics of terror to gain their political ends. States like Libya, Iran, Iraq, and Syria are less than fully predictable. It is no longer clear what actions they will take or how to restrain them in the long run.

We know that terrorism is changing but lack any precise forecast. With the death of Khomeini, how the Iranian government will manipulate Islamic fundamentalism -- and with what success -- is simply unclear. Depending on the success of the Administration's anti-drug measure, we might anticipate counter actions by the South American drug kingpins. With their enormous wealth and easy access to advanced weapons, it is not beyond the realm of the possible that Exocet missiles might be directed against Coast Guard cutters or stingers against U.S. commercial aircraft.

The problem with terrorism, in any incarnation, is its episodic nature. During the long periods of relative calm, terrorism is viewed by large governments as a minor annoyance, especially when compared with grander visions of geopolitics. Indeed, it is often difficult to get the policy levels of government focused on the problem at all.

But, when an incident occurs, particularly one dominated by media coverage, terrorism takes on strategic significance. When terrorists strike, governments go on hold, paralyzed by an unfolding human drama which is televised for all to see.

There are far too few tools available to combat terrorism for, in principle, the government is required to protect every possible target and cope with every tragedy: an impossible task, in practice. By contrast, the terrorist has the luxury of choosing the time, the target and the tactics. Hence, his ability to thwart defensive measures is greater than the government's ability to anticipate his actions.

To appreciate the magnitude of the problem, the airline industry need only be considered. Following the destruction of PA-103 last December 21, there was a ground swell for beefed-up security measures, which included the proposed purchase of expensive neutron scattering devices intended to detect plastic bombs (dense materials with high nitrogen content). Unfortunately, under realistic operating conditions, these detectors will be less than fully reliable and may be spoofed. Further, a high false alarm rate may plague the devices' applications under the rushed circumstances characteristic of large airports.

There is no point in denegrating any one technology. At a given time it may be the only available option. What is needed is a "systems approach" toward problem solving -- e.g., ways of screening passengers quickly by correlating a variety of measures

including technical means (magnetometers, soft X-rays of luggage, etc.) behavioral profiles, security alerts, and the use of artificial intelligence.

As important, is the human dimension. Those who do the checking, especially at the more dangerous international airports, must be motivated, intelligent, well trained and thus well compensated. While airline security problems and the fate of the hostages have dominated the news, the targeting of Americans virtually worldwide requires a systematic, well financed, long-term and non-hysterical approach.

One problem from which we suffer is tunnel vision and the institutional need to compartmentalize. Terrorism is part of the spectrum of low-intensity warfare -- along with insurgency and drug-trafficking -- that have become pervasive. By treating these problems as totally separate issues, we handicap the success of our response.

Drug trafficking in the U.S. alone amounts to an estimated several hundred billion dollars per annum. Drugs, terrorism and arms sales of the most sophisticated weapons to the third world states, know no real barriers. With 1992, the year of Europe, coming fast upon us, there will be no protected national borders in Western Europe, making life easier for terrorists.

Terrorism, when considered in isolation, is containable at today's low level of technological innovation. There are notable exceptions such as the engineering sophistication demonstrated by the PFLP-GC, the apparent bomber of PA-103, the IRA Brighton

attack on the British government, and the 1988 Kuwaiti airline hijacking. But, in general, we have the ability to thwart many of them and cope with the aftermath.

Were terrorists to up the ante, such as Qaddafi using a nerve agent or supplying one to Abu Nidal, we would be utterly unprepared to respond in a measured, effective manner. Though mass killing is not traditionally perceived as being in the interest of terrorists or their state sponsors, they have shown their willingness to take hundreds of lives at a time. While many argue that the terrorists use of agents of mass destruction is remote, the human costs of being wrong is far too great to ignore.

Although we have state-of-the-art technologies and equipment to detect and disarm nuclear bombs, we are naked in the face of chemical or biological attack. The probability of a chemical attack, killing hundreds to thousands, is not zero. As one senior U.S. counterterrorism official recently put it: "It is not whether there will be a chemical attack, but when and where."

The prospect of a chemical incident notwithstanding, to my mind, the most likely "high tech" attacks would be those against infrastructure. These include electric power transmission, natural gas di.tribution, transportation lines, voice and data communications networks, and the international banking system. Most of these networks are brittle, having few if any replacements of critical nodes and little physical security.

Throughout the world, there have been thousands of attacks against electrical power. Save a few hundred, all of the attacks have been acts of vandalism or minor sabotage. None of the attacks have been a coordinated, multipoint offensive against critical points of the grid. Yet, in Peru, Shining Path terrorists have blackened Lima on numerous occassions. In the 1970's the New World Liberation Front attacked Pacific Gas & Electric Co. repeatedly. Whether they didn't want to cause great damage or didn't know how is not well understood.

Without belaboring the matter, the vulnerabilities are there, the terrorists are learning, and some day the United States government is going to be unpleasantly surprised. Complacency about these vulnerabilities or mere wishful thinking that it can't happen here offers scant comfort.

An Aggressive Drug Program

President Bush has embarked upon an aggressive counterdrug program. With any luck, it will prove effective and noticeably lessen the severity of the socio-economic problem. But, there may be unexpected costs involved. In my view, the assassination of government officials, legislators and judges will no longer solely be a Colombian -- indeed, Andes -- problem. The phenomenon may well spread to our borders, bringing greed-inspired terrorism to the U.S. The American people must

understand the true costs of waging an agressive campaign. Compared with the resources available to the drug cartels, the Abu Nidal's of the world are bit players.

Plausible scenarios go beyond acts of terror and may lead to unintended military involvement in Bolivia, Peru, Columbia, Venezuela and conceivably Mexico. Are the American people ready for this level of involvement? The fight against drugs is fundamental, but America should understand and be ready to bear the full costs.

Policy and Organizational Issues

U.S. policy towards terrorism is non-concessionary. But, we know that the policy has been repeatedly violated. The Iran-Contra affair has demonstrated its impotence. To my mind, the policy is a public relations nightmare precisely because it has barely survived today's terrorism. Faced with a credible nuclear weapon threat against a major U.S. city, would we not at least make tactical concessions? Of course, we would!

If the threats of techno-terror and mass destruction loom ominously, greater flexibility will be needed. Ambiguity, which is the essence of strategic deterrence, may prove as applicable for the more serious, yet contemplatable terrorist threats.

In order to implement policy, to manage a terrorist incident of some severity, formal and informal organizational structures

are needed. The U.S. organization to cope with terrorism is based on a "lead agency" concept, Justice handling domestic matters and State handling the international side. Others, such as FEMA, which is charged with mitigating the consequences of terrorist acts, play important but lesser roles. To date, the organizations have worked reasonably well. Yet, during an especially serious incident, the need for White House presence is obvious.

No White House in its right mind will want to get too involved in terrorism. It is just a messy problem. There is rarely a clear victory to savor. The often suggested White House position of "terrorist czar" has been a non-starter. But, don't discard the idea too quickly. If our counterdrug operations lead to many domestic acts of terrorism, or if terrorism escalates qualitatively, White House involvement will be intense. Under such conditions, the notion of a "terrorism czar" may yet become quite attractive.

It would not be ill-advised to consider this option, for the days of changed tactics are not far away. If political terrorists armed with sophisticated weaponry combine forces with narcotics traffickers with virtually unlimited resources, we must be prepared for spectacular fireworks -- terrorism here and abroad as well as covert operations and specialized military operations mounted against us.

If we engage in prolonged low-intensity warfare, the risks will be high. But, the rewards will be great. It will be a test

of the Executive and Congress alike to keep our objectives in focus.

Some Suggestions

On the assumption that the Bush administration really means to fight terrorism and drugs, here are some suggestions:

(a) Anticipate far more serious attacks, some in the United States.

(b) Launch an intensified intelligence and covert operations program.

(c) View terrorism and major drug trafficking as national security issues, not as largely law enforcement matters.

(d) Develop counterterrorism policies that are less rigid than today's non-concessionary approach.

(e) Devalue the holding of American hostages.

(f) Engage in frequent, realistic exercises at the operational levels of government. (President Bush ought to participate regularly.)

(g) At moderate cost, develop a first-rate R&D program to cope with bomb detection and disarmament, chemical and biological incidents, and other technologically advanced forms of terrorism. A civilian DARPA, operating in concert with the national labs, is called for.

(h) Protect the nation's power, data and communications infrastructures.

(i) Develop a realistic civil defense program, capable of coping with truly perilous emergencies well short of thermonuclear attack.

(j) Don't baby the U.S. public. Tell the people about the domestic and international risks attendant to aggressive counterterrorism and drug trafficking programs.

(k) At all costs, government must obey the law. Congress must be the Executive's true partner if an effective counterterrorism/counterdrug program is to succeed.

TESTIMONY OF AMBASSADOR MORRIS D. BUSBY
COORDINATOR FOR COUNTER-TERRORISM

to the

SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

September 11, 1989

Mr. Chairman:

Thank you for the opportunity to discuss the terrorism threat facing the United States and the steps the Executive Branch is taking in cooperation with the Congress to address this menace.

As your previous panel has already spoken on the international threat, I will provide only brief introductory remarks on that aspect of your hearing. Instead, I will concentrate on the issues of international cooperation, inter-agency organization and Executive Branch management which you and Senator Lieberman raised in your letter of invitation.

Threat Situation

As a nation we continue to be reminded of the many forms of the international terrorism threat. A few days before Christmas last year, there was the bombing of Pan Am 103. In August, there were the callous video of Lt. Col. Higgins hanging by the neck and death threats against hostage Joseph Cicippio. Most recently there has been a reign of terror in Colombia as narco-traffickers try to intimidate President Barco into backing down from his decision to extradite these criminals.

Too often people suggest that terrorism is just an American problem or an Israeli problem, or a British problem, or a problem only for the people of Colombia. That is wrong. It is an international problem. In 1988 international terrorist incidents affected the citizens and property of 79 nations in a total of 68 countries throughout the world. A single incident can kill or maim victims from many nations. The bombing of Pan Am 103, for example, killed citizens of nearly twenty different nations.

Terrorists cooperate with each other. Weapons are shared; safehouses are used by terrorists from more than one group; the latest technology for bombs spreads quickly throughout the international terrorist network; travel documents stolen in one area of the world are used by terrorists thousands of miles away.

The best strategy for dealing with terrorism -- be it in the U.S. or abroad -- is for the nations of the world to cooperate in fighting against the terrorists. We must make common cause and work together to ensure that terrorists are arrested, extradited, tried, and severely punished for their crimes. Above all, nations must stand together in dealing with countries that support terrorism, where possible to convince those countries to abandon their support for terrorism, and, where this is not possible, to apply sanctions or other appropriate measures as incentives to change their behavior and to reduce their capacity to support terrorist acts.

International Cooperation

The very nature of terrorism requires that the defense against terrorism be international in scope. Terrorists often operate in small cells with rigorous security. They may rely on couriers instead of electronic communications. Terrorists will strike across international frontiers in pursuit of a target, and groups of different nationalities will train with each other.

Improving international cooperation -- not just between the United States and its traditional allies but also with other nations -- must be one of the primary elements in any effective strategy for containing and deterring terrorist attacks. We must and do work with other governments to collect intelligence on terrorist organizations. We exchange threat information as appropriate. Law enforcement personnel must continue to work with their colleagues from other nations in the laborious process of identifying, apprehending, and prosecuting terrorists. In short, collective efforts among law-abiding nations are needed to maximize the economic and political sanctions against states that assist terrorists.

The United States is in the forefront of the international community's efforts to develop and implement successful counter measures to terrorism. We discuss terrorism on a bilateral basis regularly with a number of countries and, when appropriate, exchange sensitive intelligence and analyses. We work through both bilateral channels and multilateral organizations to strengthen international policies on aviation and maritime security. With several nations, we coordinate our respective training and assistance programs to learn from each other and to minimize duplication. With some governments, our own counterterrorism units actually "cross-train," to exchange tactical information and techniques which help each nation to prepare itself better to respond to a terrorist incident.

But there are minuses as well as pluses. While there are fewer and fewer states that do not cooperate on counter-terrorism measures, we still do not have a solid front. While some countries are willing to take a tough stand, others are more equivocal. As we approach the 1990's we need

to make it clear to countries supporting terrorism that their relationships with the rest of the world are at risk if they do not stop. Just as terrorism's victims come from countries all over the world, so must the response be multinational. Unfortunately, we are not yet there. Commercial interests, political agendas, including misguided notions of how to show sympathy with certain causes, and differences over strategy and tactics continue to prevent international cooperation from reaching the level essential for dealing effectively with this threat.

We also work in the United Nations and other international organizations to get our message across and to press our position that terrorism is an unacceptable tactic, regardless of the motivation. It is not always easy, especially in the the United Nations where there can be prolonged disputes over words in resolutions. The UN Security Council recently passed a resolution calling for the release of all the hostages, a step we welcomed.

We have had good success in the U.N. specialized agencies, such as the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO). At ICAO, the main forum for efforts to improve international civil aviation standards, a new international convention was drafted last year on airport security. ICAO is also considering additional international civil aviation standards to help prevent another Pan Am 103 type incident. IMO became concerned about maritime terrorism in the aftermath of the Achille Lauro shipjacking and, in response, developed a convention on maritime security. Both of these Protocols have been submitted to the Senate, and we hope you and your colleagues will give your advice and consent to these treaties this year.

In addition to these U.N.-affiliated organizations, we engage other forums in multilateral cooperation against terrorism. For example, the United States works closely with our allies through groupings, such as the Summit Seven of western industrialized nations and the European Community. We have developed a good working relationship with the EC "TREVI Group" of Justice and Interior Ministers. The Attorney General, the Director of the FBI, and I meet with TREVI Ministers when they hold their semi-annual sessions. The European Community, after some hesitation, played an important role, for example, in taking economic and diplomatic steps against Libya and Syria in 1986 after Libya was implicated in the Berlin disco bombing and British courts found that Syrian officials were responsible for an unsuccessful effort to place a bomb aboard an El Al passenger airliner at London's Heathrow Airport.

We also work closely with other countries both in sharing information to help prevent terrorist attacks and in investigating attacks that have taken place. The Pan Am 103

bombing, for example, has touched off the largest international criminal investigation in history, involving a number of countries. We also cooperated closely with West German officials in the recent case that resulted in a life sentence for Mohammad Hammadi for his role in the hijacking of TWA 847 and the murder of a U.S. Navy diver, Robert Stethem.

Besides the normal diplomatic avenues of discussion and assistance to investigators, the Department of State provides antiterrorism training to security officials of a significant number of governments throughout the world. Over 7,000 persons from more than 50 nations have participated in such programs in the last five years. We provide training and related equipment for antiterrorist measures ranging from aviation security and crisis management to the technical specialties of post-blast investigation and forensic evidence analysis. This program not only improves technical skills, but also develops contacts and working relationships between the U.S. and the participating nations. In so doing, we help foster safety both for our embassies and other overseas facilities, as well as for the American business and private community abroad.

A final area of effective international cooperation is research and development of new equipment to counter existing and potential terrorist capabilities. The U.S. undertakes such research itself and in cooperation with several allied countries. Such cooperation is essential if we are to draw upon scientific and manufacturing expertise to counter terrorist threats, such as the plastic explosives used to blow up Pan Am 103.

U.S. Government Coordination and Organization

Just as working with other governments is a major element of our counterterrorism efforts, so too is ensuring that the United States is organized and ready to respond to terrorist incidents. Over the last half dozen years, and particularly since the issuance of the report prepared by then Vice President Bush in 1986, actions taken within the Executive Branch have prepared us to deal more effectively with terrorism.

The State Department is the designated lead agency in dealing with international terrorist incidents which occur outside U.S. territories, while the Department of Justice and the FBI have responsibility in regards to terrorist incidents which take place within U.S. territory. Additional resources have been provided throughout the government to improve our capabilities to collect and assess information on terrorist groups and to respond in an effective and coordinated way.

Policy oversight and management of a wide variety of terrorism-related issues is coordinated by the Department of State through the Policy Coordinating Committee on Terrorism (PCC/T). I chair this group, which includes representatives at

the Assistant Secretary level from 11 different agencies and departments having terrorism-related responsibilities.

We have a well developed crisis management structure to respond to terrorist events. The principal Departments and agencies as well as the White House have contigency plans and hold exercises regularly. At the State Department, for example, we have specific procedures for establishing a Task Force on short notice which pulls together knowledgeable staff from throughout the Department to serve as the focal point for handling a terrorist incident. The Task Force is in contact with the crisis teams established at the White House, the Pentagon, and within the intelligence community to handle the terrorist incident. We use this structure to stay in constant touch with our missions overseas and to gather information, monitor the situation, coordinate our responses, and prepare instructions for our posts abroad. We use it to develop policy options, keep in touch with the immediate families of terrorist victims, brief the Congress, and interact with the media. I have just had my first experience with this mechanism as head of the State Department's Task Force established during the recent Lebanon hostage crisis. That Task Force and the persons assigned to it made a major contribution to our comprehensive response to this incident.

Finally, although I don't want to get into the classified aspect of our work, we do have specially trained teams that can assist our embassies in responding to a terrorist incident. These teams can play an essential role -- based on their experience in crisis managment and their understanding of U.S. response capabilities -- in assisting both our embassy and foreign governments in dealing with a terrorist incident.

Current Issues

Mr. Chairman, this brings me to the final ares you indicated you would like me to discuss: current issues and problems, including intelligence gathering. It is difficult to discuss the intelligence aspects of counterterrorism in a public forum, but I can make a few general comments.

Effective counter-terrorist policy must be based on sound principles and be consistent. And to be effective and anticipitory, it must be intelligence-based and driven. Simply reacting to terrorist incidents as they occur is not enough. We need successful and consistent intelligence gathering and analysis if we are to have any prospect of preventing terrorist operations.

By their very nature, terrorist groups are hard to penetrate and track. They depend on surprise and secrecy for their success. Some groups, such as the Lebanon-based Shi'a Hizballah group that hold American hostages in Lebanon, present special problems. They often include only members of the same extended family, which makes them extremely difficult to

penetrate. That is not to say we are helpless. Effective cooperation among intelligence services is an important tool. While the whole picture may not be available to any one intelligence service, effective sharing -- both between intelligence agencies within the U.S. Government as well as with our allies -- helps to piece together the complex puzzle presented by terrorism.

Another important undertaking is developing more effective mechanisms to promote "crosstalk" between law enforcement and intelligence organizations. Intelligence, even though it may not be of evidentiary value in a court of law, can help guide investigations. And, information developed during legal investigations or court proceedings can provide invaluable insights for the intelligence analysts. We are working to improve this facet of our cooperative efforts. I understand that the Senate already has voted to request a report from the Executive Branch on the situation, and I believe it would be better to defer to that process rather than go into detail on the subject in this public hearing.

Another current problem is funding the research and devlopment needed to counter terrorist tactics. For several years the State Department has funded and managed a National Counterterrorism Research and Development Program to fill research gaps identified by an inter-agency group of experts. This program provides initial seed money -- R&D funds -- and takes projects often to the point of producing prototype equipment, where they can be "handed off" to another agency that can use the final product and take it to the full production stage. Research projects currently underway include those to improve our capabilities to detect plastic explosives and to help deal with chemical and biological threats that terrorists could pose in the future.

This program, while small, is funded by the Congress at levels well below the appropriation sought by the President. For example, the Administration sought $6 million for this initiative for FY 1989. Although the Congress authorized the full request, the Senate "zero-funded" this program in the Commerce, Justice and State Appropriation Bill last year and in the conference with the House, the R&D program received only $3 million. I am concerned about similar possible cuts in FY-1990 which I believe would be contrary to the frequently expressed statements by many members of Congress that we must do more to deal with the threat posed by terrorism. Here is a case where a limited investment can pay enormous dividends in protecting American lives. The types of devices being developed could help prevent future tragedies like the Pan Am 103 bombing.

A final area where action is important is in improving the legal tools that we can array against terrorism. We strongly support legislation to make it more difficult for suspected terrorists to get visas to the United States and to expedite

deportation of those who do manage to get into the country. Another area of related concern is the financing of international terrorism. Some groups, such as the Abu Nidal Organization, supplement their receipts from state sponsors by establishing front companies overseas which then furnish both cover and profits to support terrorist operations. Closer to home, we are concerned about the ability of terrorists to engage in fund-raising or other methods for raising revenue in this country. We are exploring, therefore, through the PCC on Terrorism and with the Justice Department, possible legislation intended to prohibit the flow of financial assets to terrorist groups. We hope to be able to consult this autumn with members of Congress on dealing with these potential legislative matters.

In conclusion, Mr. Chairman, effectively fighting terrorism is a cooperative effort, both internationally and within the U.S. Government. There are few easy solutions and no magic answers. Your next panel, I understand, will discuss policy options, and I won't dwell on that point. For my part, I would like to close by emphasizing that we must be persistent, realizing that combatting terrorism is a long-term effort. And we must work together, within the Executive Branch, with the Congress, and with other like-minded nations, to defeat the scourge of international terrorism.

Thank you, and I will be happy to answer your questions.

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

OPENING STATEMENT OF
OLIVER B. REVELL
ASSOCIATE DEPUTY DIRECTOR - INVESTIGATIONS
FEDERAL BUREAU OF INVESTIGATIONS
BEFORE AN OPEN SESSION OF THE
COMMITTEE ON GOVERNMENT AFFAIRS
UNITED STATES SENATE
WASHINGTON, D.C.
SEPTEMBER 11, 1989

Bicentennial of the United States Constitution (1787-1987)

GOOD MORNING MR. CHAIRMAN, DISTINGUISHED MEMBERS OF THE COMMITTEE: I AM PLEASED TO HAVE THIS OPPORTUNITY TO APPEAR BEFORE YOU TO DISCUSS THE THREAT POSED BY TERRORISM TO THE UNITED STATES, AND HOW EFFECTIVE OUR GOVERNMENT'S POLICIES AND INTERAGENCY STRUCTURES HAVE BEEN IN COMBATING TERRORISM, AND THE GLOBAL THREAT THIS PHENOMENON REPRESENTS.

TO BEGIN, YOU HAVE EXPRESSED AN INTEREST IN SEVERAL ISSUES RELATING TO TERRORISM AND OUR GOVERNMENT'S ABILITY TO SUCCESSFULLY COMBAT THIS ATROCITY: THE ADEQUACY OF THE GOVERNMENT'S INTERAGENCY ORGANIZATIONS IN ESTABLISHING POLICY PROCEDURES REGARDING TERRORISM; THE APPROPRIATE METHOD OF RESPONDING TO TERRORIST ACTS, AND THE FBI'S ROLE IN MAKING SUCH DECISIONS. IN APRIL, 1982, THE REAGAN ADMINISTRATION REFINED SPECIFIC LEAD AGENCY RESPONSIBILITIES FOR COORDINATION OF THE FEDERAL RESPONSE TO TERRORIST INCIDENTS. THIS MANDATE GAVE THE U.S. DEPARTMENT OF STATE RESPONSIBILITY FOR THE COORDINATION OF

COUNTERTERRORISM ABROAD, WHILE THE DEPARTMENT OF JUSTICE, AND THROUGH IT, THE FBI WAS DESIGNATED THE LEAD AGENCY FOR INVESTIGATING TERRORIST INCIDENTS CONDUCTED IN THE UNITED STATES. IN OCTOBER, 1982, IN RESPONSE TO THE GROWING PROBLEM OF TERRORISM, THE FBI DIRECTOR ELEVATED THE COUNTERTERRORISM PROGRAM WITHIN THE FBI TO NATIONAL PRIORITY STATUS. AS SUCH, IT WAS ELEVATED TO A STATUS ON PAR WITH OTHER CRITICALLY IMPORTANT INVESTIGATIVE PROGRAMS CONDUCTED BY THE FBI SUCH AS FOREIGN COUNTERINTELLIGENCE AND ORGANIZED CRIME.

AS THE LEAD FEDERAL AGENCY FOR COMBATING TERRORISM IN THE UNITED STATES, THERE EXISTS A TWO-FOLD MISSION WITHIN THE FBI'S COUNTERTERRORISM PROGRAM: TO PREVENT TERRORIST ACTS BEFORE THEY OCCUR AND, SHOULD THEY OCCUR, MOUNT AN EFFECTIVE INVESTIGATIVE RESPONSE. THE PREVENTION PHASE INVOLVES ACQUIRING, THROUGH LEGAL MEANS, INTELLIGENCE INFORMATION RELATING TO TERRORIST GROUPS AND INDIVIDUALS WHO THREATEN AMERICANS, U.S. INTERESTS, OR FOREIGN NATIONALS WITHIN THE UNITED STATES.

THE RESPONSE PHASE INVOLVES PROMPT AND EFFECTIVE INVESTIGATION OF CRIMINAL ACTS COMMITTED BY MEMBERS OF TERRORIST GROUPS. IT IS THE FBI'S VIEW THAT THE SWIFT AND EFFECTIVE INVESTIGATION OF TERRORIST ACTS, CULMINATED BY ARRESTS, CONVICTIONS, AND INCARCERATIONS, RESULTS IN A POWERFUL AND EFFECTIVE MESSAGE TO TERRORISTS AND SERVES AS A DETERRENT TO FUTURE ACTS OF TERRORISM.

AS A RESULT OF LEGISLATION PASSED IN 1984 AND 1986, A NEW ERA BEGAN FOR THE FBI WITH EXPANDED INVOLVEMENT IN THE INVESTIGATION OF INTERNATIONAL TERRORISM. THE FBI MANDATE IN COUNTERTERRORISM WAS EXPANDED TO INCLUDE EXTRATERRITORIAL INVESTIGATIONS. SINCE 1985, WE HAVE BEEN INVOLVED IN NUMEROUS INVESTIGATIONS OF TERRORIST INCIDENTS COMMITTED OUTSIDE THE UNITED STATES, WHEN U.S. CITIZENS OR INTERESTS HAVE BEEN TARGETS. FBI EXTRATERRITORIAL JURISDICTION IS DERIVED FROM THE "COMPREHENSIVE CRIME CONTROL ACT OF 1984," WHICH CREATED A NEW SECTION IN THE U.S. CRIMINAL CODE FOR HOSTAGE TAKING, AND THE "OMNIBUS DIPLOMATIC SECURITY AND ANTITERRORISM

ACT OF 1986," WHICH ESTABLISHED A NEW STATUTE PERTAINING TO TERRORIST ACTS CONDUCTED ABROAD AGAINST U.S. NATIONALS.

THESE LAWS ALLOW THE UNITED STATES TO ASSERT JURISDICTION OUTSIDE OF OUR BORDERS. HOST COUNTRY APPROVAL AND COORDINATION WITH THE U.S. DEPARTMENT OF STATE ARE PREREQUISITES AND ESSENTIAL TO THE SUCCESSFUL USE OF THIS JURISDICTION. THESE STATUTES HAVE PROVIDED THE UNITED STATES WITH A LEGAL MECHANISM TO INVESTIGATE AND, WHEN WARRANTED, SEEK THE PROSECUTION OF TERRORISTS WHO ATTACK U.S. NATIONALS ABROAD. OUR INVESTIGATIONS OF EXTRATERRITORIAL MATTERS HAVE MET WITH CONSIDERABLE SUCCESS. NOT ONLY DO WE HAVE INDICTMENTS AGAINST INDIVIDUALS WHO HAVE COMMITTED THESE ACTS, MANY HAVE BEEN ARRESTED AND TRIED ABROAD WHILE OTHERS ARE CURRENTLY THE SUBJECT OF EXTRADITION REQUESTS. ONE INDIVIDUAL WAS APPREHENDED BY THE FBI ON THE HIGH SEAS AND RETURNED TO THE UNITED STATES FOR PROSECUTION.

STATISTICALLY, THE FBI'S COUNTERTERRORISM PROGRAM HAS BEEN EXTREMELY SUCCESSFUL. BETWEEN

1980 AND 1982, THERE WERE AN ESTIMATED 122 TERRORIST INCIDENTS COMMITTED IN THE UNITED STATES, WITH 51 OCCURRING IN 1982. SINCE THAT TIME, THE NUMBERS HAVE BEEN REDUCED. IN 1988, THE FBI RECORDED 8 TERRORIST INCIDENTS IN THE UNITED STATES, WHILE THUS FAR IN 1989, 6 INCIDENTS ARE BEING INVESTIGATED AS TERRORIST ACTS.

THE SUCCESS WE HAVE ACHIEVED IN COMBATING TERRORISM IS DUE IN LARGE PART TO COOPERATIVE EFFORTS BETWEEN THE FBI AND OTHER LAW ENFORCEMENT SECURITY AND INTELLIGENCE AGENCIES. THE FBI REMAINS DEDICATED TO FOSTERING LIAISON BETWEEN APPROPRIATE GOVERNMENT AGENCIES IN ORDER TO ENSURE THAT AGGRESSIVE INTELLIGENCE COLLECTION IS EFFECTIVELY PURSUED. THIS COOPERATION CONTINUES TO BE STRENGTHENED THROUGH INTERAGENCY POLICY COORDINATION GROUPS WHICH FOCUS ON ESTABLISHING GOOD WORKING RELATIONSHIPS. ADDITIONALLY, FEDERAL AGENCIES WITH MUTUAL JURISDICTIONAL INTERESTS WORK CLOSELY TOGETHER ENSURING THAT ALL AVAILABLE RESOURCES ARE UTILIZED AND COUNTERTERRORISM OBJECTIVES ARE ACCOMPLISHED. SUCH A COOPERATIVE EFFORT WAS INSTRUMENTAL IN THE SUCCESSFUL SEPTEMBER, 1987,

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ARREST OF FAWAZ YOUNIS, A LEBANESE NATIONAL CHARGED WITH THE JUNE, 1985, HIJACKING OF A ROYAL JORDANIAN AIRLINER IN BEIRUT, LEBANON. THIS APPREHENSION CLEARLY DEMONSTRATES THE SUCCESSES THAT CAN BE ACCOMPLISHED THROUGH COOPERATIVE EFFORTS BY THE VARIOUS FEDERAL AGENCIES IN THEIR FIGHT AGAINST TERRORISM.

ADDITIONALLY, FBI AND FEDERAL AGENCIES PARTICIPATION IN INTERAGENCY WORKING GROUPS HAS MADE IT POSSIBLE TO SHARE VITAL INFORMATION ON TERRORIST GROUPS AND OPERATIONS. POLICIES HAVE BEEN ESTABLISHED AND MECHANISMS ARE IN PLACE FOR CONTINGENCY PLANNING, TRAINING, THREAT WARNING SYSTEMS, AND THREAT ASSESSMENTS, TO ASSIST US IN HANDLING ANY FUTURE ACTS OF TERRORISM.

A MORE RECENT POLICY ADOPTED BY THE FBI PERTAINS TO THE DEPORTATION OR VOLUNTARY DEPARTURE OF FOREIGN TERRORISTS OR INDIVIDUALS SUPPORTING A TERRORIST ORGANIZATION. THIS POLICY WILL ENSURE THAT APPROPRIATE FBI OFFICIALS, AS WELL AS FEDERAL AGENCIES SUCH AS THE U.S. DEPARTMENT OF STATE, THE IMMIGRATION AND NATURALIZATION SERVICE (INS), AND U.S. CUSTOMS SERVICE ARE NOTIFIED WHEN

AN INDIVIDUAL WHO IS SUSPECTED OF BEING A TERRORIST OR SUPPORTER OF A TERRORIST ORGANIZATION HAS LEFT THE UNITED STATES. THIS POLICY IS DESIGNED TO PREVENT INDIVIDUALS WHO MAY WISH TO USE THIS COUNTRY AS A BASE FROM WHICH TO LAUNCH TERRORIST OPERATIONS AGAINST U.S. CITIZENS OR INTERESTS, EITHER ABROAD OR ON U.S. SOIL, FROM REENTERING THE COUNTRY.

THE U.S. GOVERNMENT'S PARTICIPATION IN VARIOUS BILATERAL AND MULTILATERAL FORA ALSO MAKES IT POSSIBLE TO SHARE INFORMATION ON TERRORISTS. THE UNITED STATES, THROUGH THE ATTORNEY GENERAL, HAS ESTABLISHED AN INFORMAL BUT PRODUCTIVE RELATIONSHIP WITH THE MINISTERS OF JUSTICE AND INTERIOR OF THE EUROPEAN ECONOMIC COMMUNITY COUNTRIES IN AN ORGANIZATION KNOWN AS THE TREVI GROUP. ALTHOUGH TREVI MEMBERSHIP IS LIMITED TO MEMBERS OF THE EUROPEAN COMMUNITY, THE UNITED STATES PARTICIPATES AS AN OBSERVER. THE ATTORNEY GENERAL REPRESENTS THE UNITED STATES AT THESE MEETINGS. ESTABLISHED IN EUROPE IN 1976, THE TREVI GROUP PLEDGED TO REINFORCE THE COOPERATION AGAINST ORGANIZED, INTERNATIONAL CRIME, AND IN PARTICULAR, AGAINST

TERRORISM. TREVI MEETS SEMIANNUALLY TO CONSIDER SPECIFIC MEASURES TO COMBAT TERRORISM THROUGH JOINT INTERNATIONAL INITIATIVES AND COOPERATION. FBI DIRECTOR WILLIAM S. SESSIONS AND I ASSIST THE ATTORNEY GENERAL BY WORKING WITH OUR COUNTERPARTS FROM POLICE AND SECURITY AGENCIES IN EUROPE TO ESTABLISH COUNTERTERRORISM PROGRAMS AND COOPERATIVE RELATIONSHIPS.

THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP) IS ALSO TAKING A LEADERSHIP ROLE IN THE FIGHT AGAINST TERRORISM. IN 1986, THE PRESIDENT AND BOARD OF DIRECTORS OF THE IACP CONCLUDED THAT INTERNATIONAL TERRORISM WAS OF SUCH CONCERN TO THE WORLDWIDE POLICE COMMUNITY THAT THE IACP SHOULD ESTABLISH A COMMITTEE ON TERRORISM TO EXAMINE THE ISSUE OF COOPERATIVE POLICE ACTIVITIES IN COMBATING INTERNATIONAL TERRORISM. THE FBI HAS TAKEN AN ACTIVE ROLE WITHIN THE TERRORISM COMMITTEE AND I HAVE HAD THE PRIVILEGE OF SERVING AS CHAIRMAN. THE COMMITTEE ON TERRORISM IS IN THE PROCESS OF MAKING RECOMMENDATIONS TO DEAL WITH A NUMBER OF ISSUES INCLUDING: INFORMATION SHARING AND INTELLIGENCE SYSTEMS; LAW ENFORCEMENT

OPERATIONAL CAPABILITIES; THREAT ASSESSMENT/RISK ANALYSIS AND CONTINGENCY PLANNING; AND TRAINING/PUBLIC INFORMATION AS THESE RELATE TO THE TERRORISM PROBLEM.

INTERNATIONAL LAW ENFORCEMENT ORGANIZATIONS SUCH AS INTERPOL PROVIDE FOR THE RAPID TRANSMISSION OF INFORMATION NEEDED BY LAW ENFORCEMENT AUTHORITIES THROUGHOUT THE WORLD.

AFTER RECEIVING APPROVAL FROM MEMBER COUNTRIES, INTERPOL DEVELOPED A SPECIAL UNIT WHICH COMPILES INFORMATION ON TERRORIST GROUPS. ONE OBJECTIVE OF THIS UNIT IS TO CONDUCT SYMPOSIA ON TERRORISM TO BETTER FOSTER COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES IN THE INTERNATIONAL FIGHT AGAINST TERRORISM.

ALL OF THESE INITIATIVES ARE BEING PURSUED TO OBTAIN THE INTELLIGENCE NECESSARY TO PREVENT TERRORIST ACTS FROM TAKING PLACE. HOWEVER, IN THE EVENT WE ARE UNABLE TO PREVENT AN INCIDENT FROM OCCURRING, THE FBI HAS COMPREHENSIVE PLANS FOR RESPONDING TO SUCH INCIDENTS BOTH HERE AND ABROAD. AS PREVIOUSLY DISCUSSED, RECENT

CONGRESSIONAL ACTION CREATED EXTRATERRITORIAL JURISDICTION IN CERTAIN CIRCUMSTANCES INVOLVING TERRORISM. BY ASSIGNMENT OF THE ATTORNEY GENERAL, THE FBI IS THE LEAD AGENCY FOR THE CRIMINAL INVESTIGATION OF VIOLATIONS INVOLVING THESE STATUTES. IN COOPERATION WITH THE HOST FOREIGN GOVERNMENT, THE FBI UTILIZES WHATEVER INTELLIGENCE SOURCES, INVESTIGATION OR FORENSIC EXAMINATIONS WHICH ARE APPROPRIATE UNDER U.S. LAWS AND ACCEPTABLE TO THE GOVERNMENT WHERE THE INCIDENT OCCURRED. NO EFFORT IS SPARED TO IDENTIFY AND BRING TO JUSTICE THOSE WHO ARE RESPONSIBLE FOR TERRORIST ACTS AGAINST U.S. PERSONS OR INTERESTS AS DEFINED BY THESE NEW STATUTES.

WITH REGARD TO DOMESTIC TERRORISM, WE RECOGNIZE THAT MORE NEEDS TO BE DONE IN ORDER TO ERADICATE THIS FORM OF TERRORISM IN OUR COUNTRY. DOMESTIC TERRORIST GROUPS ARE DEFINED AS THOSE GROUPS INDIGENOUS TO THE UNITED STATES AND WHOSE ACTIVITIES DO NOT EXTEND BEYOND U.S. BORDERS OR TERRITORIES. ALTHOUGH THE FBI HAS BEEN INSTRUMENTAL IN THE ARREST AND SUCCESSFUL PROSECUTION OF NUMEROUS MEMBERS OF DOMESTIC

TERRORIST GROUPS, ATTACKS BY THESE GROUPS CONTINUE TO BE A CONCERN TO U.S. LAW ENFORCEMENT. THE FBI CONTINUES TO DEVOTE RESOURCES TO DEAL WITH THIS PROBLEM.

IN RESPONSE TO THE THREAT OF TERRORISM IN THE UNITED STATES, WE ESTABLISHED JOINT TERRORIST TASK FORCES IN SEVERAL MAJOR CITIES LOCATED THROUGHOUT THE UNITED STATES. THESE TASK FORCES, WHICH ARE MADE UP OF FEDERAL, STATE AND LOCAL LAW ENFORCEMENT OFFICERS, HAVE BEEN EXTREMELY SUCCESSFUL TO DATE. THEY WERE ESTABLISHED TO DEAL WITH SUSPECTED TERRORISM PROBLEMS IN THE AREAS WHERE THEY WERE CREATED. THESE TASK FORCES EXCHANGE INFORMATION AND WORK IN JOINT SPACE. THIS EFFORT HAS BEEN EXTREMELY SUCCESSFUL IN DETERRING TERRORIST CRIMINAL ACTIVITY.

ONE OF OUR STRONGEST TOOLS IN THE FIGHT AGAINST TERRORISM IS IN THE SHARING OF INFORMATION. WE MUST ALL CONTINUE TO IDENTIFY AREAS WHERE INFORMATION COULD BE SHARED, AND THEN ESTABLISH THE NECESSARY CHANNELS TO ENSURE THAT IT IS.

MR. CHAIRMAN, YOU HAVE ALSO EXPRESSED AN INTEREST IN POSSIBLE AREAS OF IMPROVED INTERAGENCY COOPERATION. AVENUES FOR IMPROVEMENT ARE CURRENTLY BEING EXPLORED THROUGH A POLICY COORDINATING COMMITTEE INITIATED BY THE NATIONAL SECURITY COUNCIL. THROUGH THIS COMMITTEE, IN WHICH THE FBI PARTICIPATES, VARIOUS ASPECTS OF COUNTERTERRORISM ARE ASSESSED AMONG REPRESENTATIVES OF SEVERAL GOVERNMENT AGENCIES. THIS PROGRAM IS COMPRISED OF SEVERAL SUBCOMMITTEES SUCH AS THE TECHNICAL SUPPORT WORKING GROUP, WHOSE OBJECTIVES ARE TO PROVIDE A NATIONAL FORUM FOR ADDRESSING COUNTERTERRORISM RESEARCH AND DEVELOPMENT PROJECTS. THESE SUBCOMMITTEES WERE DEVELOPED IN ORDER TO STUDY MORE EFFICIENT METHODS OF OPERATION.

THE FBI AND OTHER GOVERNMENT AGENCIES UTILIZE VARIOUS DATA BASES ON A DAILY BASIS IN ORDER TO ACCESS UP-TO-DATE INFORMATION RELATIVE TO COUNTERTERRORISM PURSUITS. INFORMATION DERIVED FROM THESE SYSTEMS IS INVALUABLE TO COUNTERTERRORISM EFFORTS. IN ORDER TO STREAMLINE OPERATIONS, TECHNOLOGICAL EFFORTS ARE BEING EXTENDED TO DEVELOP THE SHARING OF THIS INFORMATION AMONG AGENCIES ELECTRONICALLY RATHER

THAN BY TAPE PRINTOUTS. IN ADDITION, FEASIBILITY STUDIES ARE BEING CONDUCTED TO DETERMINE IF OTHER FEDERAL AGENCIES SHOULD HAVE ACCESS TO THESE SYSTEMS.

MR. CHAIRMAN, YOU ALSO INQUIRED ABOUT THE FOLLOWING: CURRENT ISSUES THE FEDERAL GOVERNMENT FACES IN DEALING WITH TERRORISM; RECOMMENDATIONS FOR CHANGES IN THE CRIMINAL LAW OR EXTRADITION; PROBLEMS IN PROSECUTING TERRORISTS; PROBLEMS IN INTELLIGENCE GATHERING; POSSIBLE IMPROVEMENT IN FUNDING COUNTERTERRORISM PROGRAMS; AND ANY NEW OPPORTUNITIES OR METHODS FOR COMBATING TERRORISM.

AN ISSUE CURRENTLY BEING DISCUSSED THROUGHOUT THE U.S. INTELLIGENCE COMMUNITY CONCERNS THE EFFORTS BEING MADE BY THE FBI, U.S. DEPARTMENT OF STATE, INS, AND THE U.S. CUSTOMS SERVICE, TO INTERDICT THE TRAVEL OF KNOWN OR SUSPECTED TERRORISTS ATTEMPTING TO ENTER THIS COUNTRY. THROUGH AN OPEN EXCHANGE, INFORMATION CAN BE ASSESSED PRIOR TO AN INDIVIDUAL BEING GRANTED ENTRANCE INTO THE UNITED STATES.

HOWEVER, RECENT INITIATIVES TO MODIFY THE NONIMMIGRANT VISA REQUIREMENTS THROUGH THE VISA WAIVER PILOT PROGRAM (VWPP) HAVE RELAXED THE U.S. GOVERNMENT'S SCREENING PROCESS FOR ALIENS ENTERING THE UNITED STATES FROM SELECTED COUNTRIES. EIGHT COUNTRIES NOW PARTICIPATE IN THE VWPP WHICH ORIGINALLY WAS GRANTED TO THE UNITED KINGDOM AND JAPAN IN 1988. THROUGH THE VWPP, NATIONALS OF THE PARTICIPATING COUNTRIES CAN ENTER THE UNITED STATES FOR UP TO 90 DAYS WITHOUT A VISA. PASSPORT-HOLDING VISITORS FROM GREAT BRITAIN, JAPAN, ITALY, GERMANY, FRANCE, NETHERLANDS, SWEDEN, AND SWITZERLAND CAN TRAVEL TO THE UNITED STATES WHERE INSPECTIONS ARE CONDUCTED BY INS OFFICIALS AT THE PORT OF ENTRY. UNDER EXISTING PROCEDURES FOR NON-PARTICIPATING COUNTRIES, ALL OTHER VISITORS TO THE UNITED STATES MUST APPLY FOR A VISA THROUGH THE U.S. DEPARTMENT OF STATE AND THE APPLICATION IS SEARCHED THROUGH EXISTING DATA BASES.

ANY APPLICANT FOUND IN THE DATA BASE CAN BE DELAYED OR DENIED ENTRANCE INTO THE UNITED STATES. VISITORS FROM VWPP COUNTRIES ARE NOT QUERIED THROUGH THIS SYSTEM UNTIL ARRIVING AT

THE PORT OF ENTRY IN THE UNITED STATES, THUS SIGNIFICANTLY REDUCING LAW ENFORCEMENT RESPONSE TIME FOR ANYONE FOUND IN THE DATA BASE. SITUATIONS THAT CANNOT BE RESOLVED EXPEDITIOUSLY THROUGH THE INS WOULD MOST LIKELY RESULT IN THE INDIVIDUAL BEING GRANTED ENTRANCE INTO THE COUNTRY.

RECOGNIZING THAT THE POTENTIAL DOES EXIST FOR TERRORISTS TO ENTER THE UNITED STATES, THE ADMINISTRATION IS CONSIDERING LEGISLATIVE PROPOSALS THAT WOULD FACILITATE THE PROCESS FOR EXPELLING THOSE INDIVIDUALS FROM THE COUNTRY.

IN REFERENCE TO POSSIBLE CHANGES IN FEDERAL CRIMINAL LAWS OR EXTRADITION AND THE PROBLEMS THE FBI ENCOUNTERS PROSECUTING INTERNATIONAL TERRORISTS, SEVERAL ISSUES SHOULD BE NOTED. AN EXTRADITION TREATY IS AN AGREEMENT BETWEEN TWO RATIFYING COUNTRIES. THE EXISTENCE OF AN EXTRADITION TREATY BETWEEN THE UNITED STATES AND ANOTHER COUNTRY IS NOT MANDATED OR ENFORCED BY FEDERAL CRIMINAL LAWS. LIKEWISE, THE ADHERENCE TO THESE TREATIES IS NOT GUARANTEED. FOR EXAMPLE, AN EXTRADITION TREATY EXISTS BETWEEN THE UNITED STATES AND GREECE;

HOWEVER, IN THE CASE OF MOHAMMED RASHID, WHO IS WANTED IN THIS COUNTRY FOR HIS PARTICIPATION IN THE BOMBING OF PAN AM FLIGHT 830, HIS EXTRADITION FROM GREECE HAS BEEN BELEAGUERED WITH PROBLEMS. IN ADDITION TO DIFFICULTIES WITH EXTRADITION, THE DELIVERANCE OF INTERNATIONAL TERRORISTS TO THE UNITED STATES FOR PROSECUTION CAN BE FURTHER HAMPERED BY INHERENT PROBLEMS WE ENCOUNTER WHEN CONDUCTING A CRIMINAL INVESTIGATION IN A FOREIGN LAND.

WITH REGARD TO BUDGETARY CONCERNS: THE FBI'S BUDGETING COMMITMENT TO COUNTERTERRORISM HAS CONTINUALLY BEEN TAXED BY ADDITIONAL DEMANDS OF THE PROGRAM. BECAUSE OF THE DISTINCTION BETWEEN "DOMESTIC" AND "INTERNATIONAL" TERRORISM, OUR COUNTERTERRORISM PROGRAM OPERATES UNDER DIFFERENT FUNDING AND GUIDELINE PROVISIONS. IN REALITY, HOWEVER, THE FBI RETAINS ONLY ONE COUNTERTERRORISM PROGRAM. TYPICALLY, IN AN FBI FIELD OFFICE ORGANIZATION, A SQUAD OF AGENTS WILL WORK BOTH INTERNATIONAL AND DOMESTIC TERRORISM INVESTIGATIONS, CONCENTRATING ON THOSE CASES WHICH ARE JUDGED TO POSE THE GREATEST THREAT IN THAT PARTICULAR OFFICE.

LASTLY, MR. CHAIRMAN, I WOULD LIKE TO COMMENT ON THE FBI'S RESPONSE TO THE THREAT OF CHEMICAL AND BIOLOGICAL WEAPONRY UTILIZED BY TERRORISTS.

ALTHOUGH, TO DATE, THE UNITED STATES HAS NOT EXPERIENCED AN ACT OF TERRORISM INVOLVING NUCLEAR, CHEMICAL, BIOLOGICAL, OR OTHER HIGHLY TECHNICAL WEAPONS, THE FBI HAS AGGRESSIVELY PURSUED THE COORDINATION OF INTERAGENCY OPERATIONAL RESPONSES TO PREPARE FOR CRISES SUCH AS THESE. UNFORTUNATELY, HOWEVER, MUCH OF WHAT WE ARE DOING AND THE INITIATIVES WE ARE TAKING CANNOT BE DISCUSSED IN OPEN SESSION.

OF PARTICULAR CONCERN TO THE FBI IS THE THREAT OF NUCLEAR TERRORISM. DUE TO THE HEINOUS NATURE OF AN ACTION SUCH AS THIS, AND THE POTENTIALLY DEBILITATING EFFECTS IT COULD HAVE ON AMERICAN SOCIETY AS A WHOLE, THE FBI HAS WORKED TO ESTABLISH A COORDINATED EFFORT WITH SEVERAL FEDERAL AGENCIES.

THE SPREAD OF CHEMICAL WEAPONS IN THIRD WORLD COUNTRIES HAS INCREASED THE POSSIBILITY

THAT TERRORISTS WILL ACQUIRE THESE WEAPONS AND THE CAPABILITY TO USE THEM. STATE-SPONSORED TERRORISM INCREASES THE POTENTIAL FOR SUCH AN INCIDENT. THE FBI HAS ACCEPTED THIS VERY REAL POSSIBILITY AND HAS BEEN WORKING TO DEVELOP AN INTERAGENCY RESPONSE.

WE HAVE ENGAGED IN MULTIAGENCY TRAINING EXERCISES WHICH DEAL WITH THE POSSIBILITY OF A SOPHISTICATED NUCLEAR TERRORIST ATTACK. THESE TRAINING EXERCISES ARE HELD ON A REGULAR BASIS AND INVOLVE ALL AGENCIES OF THE EXECUTIVE BRANCH WHO COULD BE KEY PLAYERS IN THE EVENT SUCH A SOPHISTICATED TERRORIST ATTACK WOULD TAKE PLACE IN THE UNITED STATES.

IN CONCLUSION, I WOULD STRESS THAT OUR COUNTERTERRORISM PROGRAM IS MUCH STRONGER TODAY THAN IT WAS IN THE 1970S. IT IS ALSO FAR BETTER THAN WHEN THE PROGRAM WAS DESIGNATED A NATIONAL PRIORITY IN 1982. HOWEVER, WE RECOGNIZE THAT THERE ARE MANY THINGS TO BE DONE IN ORDER TO CONTINUE OUR SUCCESS IN COMBATING TERRORISM. THROUGH ENHANCED COOPERATION, BETTER SHARING OF INFORMATION, AND IMPROVED INVESTIGATIVE

TECHNIQUES WE CAN ALL STRIVE TO KEEP AMERICANS FREE FROM THE THREAT OF TERRORISM.

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, THIS CONCLUDES MY PREPARED REMARKS. I WILL BE HAPPY TO ADDRESS ANY QUESTIONS.

Testimony of Mr. Noel Koch, President
International Security Management
Before the Senate Committee on Governmental Affairs
Room 342 Dirksen Senate Office Building
September 11, 1989

Mr. Chairman, my name is Noel Koch. I am the President of International Security Management, Inc.

I served in the Department of Defense for six years, and I was responsible for two matters at the heart of the issue which brings us here today: one was the restoration of the nation's special operations forces; the other was terrorism. My title then was Director of Special Planning.

In 1987, Congress created the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to perform the duties of the Office of the Director for Special Planning.

I appreciate the opportunity to come before the Committee on Governmental Affairs to testify on the government response to terrorism.

The Committee has asked that we address "the advantages and disadvantages of the policy options available to the government in responding to acts of terrorism, including negotiations with terrorists, possible concessions in dealing with terrorists, economic sanctions, and the use of force."

The formulation infers a neat hierarchy with regard to options available to the government, beginning with negotiations and ending with force.

In fact, the only interesting policy issue is whether the national leadership is willing to use force to deal with terrorism; every other question is subordinate to or follows out of that one.

The President cannot wait until a terrorist event takes place, and then turn to the Secretary of Defense and the Chairman of the JCS and order them to plan a response. He *can* do it, to be sure, but the order will have the approximate effect of Glendower calling spirits from the vasty deep.

If the national leadership seriously means to use force in addressing terrorism, it cannot do this reactively. It must plan. It is not necessary to plan for negotiations, to plan economic sanctions -- but if the intention is to have available a set of force options, these must be planned, and the plans up-dated regularly.

The application of force requires information to indicate with precision against whom that force shall be applied. This requires accurate intelligence. More to the point, it requires *timely* intelligence. Intelligence on terrorism frequently has the shelf life of a political promise.

The application of force requires *a priori* the recognition that you may not be able to strike at the specific individuals directly responsible for the act which calls for retribution. This means you may select instead a site where those individuals are thought to have trained, or a site where they have been known to be billeted, or you will strike at their sponsors -- all of these, and most especially the latter, are matters of policy, and they have to be addressed in advance. They determine whether we *can* use force.

Whether we *will* use force is another, more complicated question. If we are to deal with it effectively, we need to demystify the whole business. The appropriate use of force against appropriate terrorist targets should not be treated as one of profound and consuming significance. These are, and ought to be seen to be, minor issues for a major power.

They only acquire the trappings of vast significance when we pump them up with dire threats and warnings, or when we manage them as mini-wars, such as the bombing of Libya in 1986, and then crow about them like demented roosters for months after. Libya succeeded in boosting the President's popularity ratings, but it did little to deter Quadaffi from terrorism -- contrary to the folklore that has grown up around it. We didn't finish the job, and Quadaffi continued on his merry way.

We didn't finish it because we didn't treat the action as one aimed at putting Quadaffi out of business in the first place, but rather as one designed to cope with the political damage of being perceived as having failed to respond to terrorism at all. Bear in mind that from the time of the promise of "swift and effective retribution" for these assaults in January, 1981 until the bombing of the LaBelle disco in April, 1986, we had lost over 300 lives to acts of terrorism, in addition to the torment of more Americans being held hostage.

The bombing of Libya is instructive in other ways germane to this hearing. It left recalcitrant members of the State Department in a highly agitated frame of mind. Regional officers argued that the proper way to manage Quadaffi was to "moderate" his behavior. Presumably such things are done by some arcane diplomatic skill. At that particular time, Quadaffi was immersing himself in catatonic sulks, punctuated with rapid-fire costume changes from a wardrobe that would have made a drag-queen blush. He couldn't moderate his own behavior.

We might not have acted at all, except that Libya unwittingly went out of its way to make itself a target. We have set for the use of force in dealing with terrorists standards that are nearly impossible to meet. We demand evidence of culpability that will withstand in court the most contrived legal canoodling.

For example, it wouldn't be sufficient for Quadaffi himself to declare that Libya was involved in the bombing of the LaBelle disco in Berlin -- he had taken credit for other actions in the past. Instead, within our own bureaucracy, it would be necessary for us to have evidence that he was *really telling the truth* before we might decide to react. This is the sort of fatuousness that characterizes the internal deliberations on such matters.

In the case of the LaBelle bombing we had irrefutable evidence that Quadaffi's government was responsible. Notwithstanding, it would still not be as accurate to say that we had finally a defensible reason for striking at him, as it would be to say that there existed no longer any defensible reason for *not* striking at him.

The evidence of our reluctance is most clear in the case of Syria.

Syria is a nation which permits and supports acts of terrorism against the United States and our friends. They attack our interests and they kill our people. This is not a state secret.

Thus far, Syria does this with impunity. We don't have the smoking gun, for example, in the case of the bombing of Pan Am 103. It will not be sufficient that a Syrian-supported terrorist group, the Popular Front for the Liberation of Palestine - General Command, had a role in the business. It becomes necessary to prove that Assad knew it or approved it, and that Syrian culpability be clear to the world. This is complicated by an Iranian role in it . . . and so on.

Actually, it is of secondary importance whether the world knows Syria is a terrorist-supporting nation. What is of primary importance is that Syria knows what she is -- and that she knows *we* know.

We should not be overly fastidious about other interests when it is our own that are so directly and particularly threatened.

Will our interests be served by the use of force against Syria? I don't know this. I don't argue this. The argument merely is that our interests will be served by the existence of a genuine capacity for

the use of consistent, calibrated force against Syria or any other country that conducts itself in the bloody-minded manner of Syria, and that this capacity should be within the immediate reach of the President. Whether he chooses to use it is a very separate matter.

The fact is that evidence of the utility of the use of force in these matters is inconclusive. It seems to me it is always the romantics several times removed from this business, who believe most ardently, or think they do, in the efficacy of causing the deaths of others. Presidents actually have to decide these things, and I don't think they decide them as blithely as the Op-Ed writers do.

It is important that we not confuse emotional catharsis with a prudent and productive calculation of the public interest. It is also important that we not be driven to abandon fundamental national values to political expediency.

We should not be titillated by the use of force. We should not be squeamish about the use of force. And we should not take counsel of those who come from either school. Force is a legitimate instrument of policy, and we should remove unseemly unpediments -- most particularly Executive Order 12333 -- to its proper use, and then let the President decide what is proper.

If the President determines that the use of force is not merely thinkable, but necessary, and if he demonstrates the will to use it by taking the necessary preparations to use it, then he will have made force a genuine policy option. After that, other issues can be addressed.

The Committee has identified negotiations and concessions, among these issues.

Negotiations are central to the tactics of managing many terrorism incidents; the word negotiating covers a range of evils -- it doesn't have to confer legitimacy; it doesn't have to be public; negotiating is what you do to buy time to get the power to dominant the situation. The potential harm may come in making concessions. This is one of those points upon which we all seem to be of one mind: *no concessions*.

Mr. Chairman, it is time to reflect on this concensus.

Notwithstanding the legions of terrorism "experts" which seem to abound in Washington, and the more recent masses of crisis management "experts" infesting the country, the truth is that there are very few people who have actually been engaged in managing a terrorism event, or a crisis of similarly compelling force and/or duration.

Of that small group I suspect you will be hard put to find anyone willing to say categorically that we should never make concessions. I think we should make every effort to avoid making concessions to terrorists, just as any other sensible country does. I think that if we are brought to a situation in which we must make concessions, we ought to deny we did it if we can. In either case, I don't consider this a policy issue: it is not a matter on which the government should tie its own hands with a hard and fast rule; it is a matter for pragmatic judgement in the context of the event.

There is a great deal of foolishness spoken and written about this business of concessions. Not a single country victimized by terrorism has stood, without exception, to the principle of no concessions. The only country I can think of that might fall into the category of having stood by the principle in this matter is Kuwait.

Only we in the United States, in spite of our own lapse, seem to view concessions as the shameful violation of a holy law. And this, Mr. Chairman, seems to me little more than a disguise for our own confusion and impotence in dealing with this problem. Year after year, as we watched our citizens taken hostage, our aircraft hijacked, our embassies taken over -- our spokesmen stood forth and boldly declaimed: "No concessions" as though this were an act of bold defiance -- as though the words themselves were weapons, and the spokesman a dashing figure perched upon some parapet in the midst of battle.

The logic (and it always seemed logical) was that making concessions would only lead to more hostage-taking, or more of whatever the terrorist act in question happened to be. So we made no concessions -- and we had more hostages taken anyway, and more and different acts of terrorism directed against us anyway. I no longer am convinced that, in the dynamics of terrorism, the "logical" link -- between acts and concessions -- that shapes our policy in this matter actually exists.

I think you play it by ear, trying your best to get the other fellow's point of view -- and terrorists *have* a point of view; and at at the same time trying your best, say, to put yourself in the place of a bunch of people with muscle cramps on a hi-jacked aircraft trying to hold their water.

One of our objects here, as I understand it, is to discuss policy options at the disposal of the government in dealing with terrorism. The short of it is, Mr. Chairman, that the less "policy" the Administration has to bind its hands, the better. Terrorism is anomalous, ambiguous, and protean and the fewer constraints placed on the government's ability to deal with it flexibly, the better.

There does need to be a set of force options, and the planning and exercising to support them, available to the President. And there does need to be a structure within the executive branch dedicated to dealing with this problem.

That structure needs to be led out of the White House, and not out of the State Department. This single issue (who's in charge?) had more than anything else to do with the failures of the Reagan Administration in dealing with terrorism and contributed, more than anything else, to what became known as the Iran-contra matter.

Within the federal bureaucracy, terrorism is just one more turf issue. It offers one more opportunity to discover that people capable of doing the most amazing things to acquire the least little bit of authority will do the most craven things to avoid the least little bit of responsibility.

No matter where the authority lies, the real *responsibility* lies in the White House. In this peculiar instance, so should the management structure.

Mr. Chairman, I would like to depart from the narrow question of policy now, and move toward a conclusion by discussing more generally the problems with which terrorism confronts us.

Whoever may be the immediate victims of terrorism directed against the United States, the constant targets are the imagination of the American people and the susceptibilities of the American political process. These acts have a political character, and political objectives.

Yet, it is a predicate of the official US attitude toward terrorism that it is a crime. If it is a crime, then terrorists are criminals. Criminals should be brought to justice. We are reluctant to consider a position that troubles our western friends not at all-- which is that terrorism may be construed as a political act, that it is in the nature of an act of war, that those whose carry it out may be entitled to some status other than that of criminal, and that the ambiguous matter of status can be used to justify flexibility in dealing with terrorists and their acts.

On the other hand, if we treat terrorism as a political act -- an act of rebellion, say -- then we confer a certain legitmacy on the objectives, and even the methods, of the terrorist group. And the only thing worse than legitimizing an autonomous, intra-national group like the Red Army Faction, would be to lend legitimacy to a state-supported, international group like the PFLP-GC.

So we have a contradiction at the heart of our thinking on this matter: virtually every authoritative definition of terrorism acknowledges that it is a political [illegible]

terrorism as a crime. When the occasional act of terrorism engages public attention and creates an outrage, then it becomes politically expedient to speak of a war against terrorism -- and sometimes to use military force, ostensibly to fight that war.

The levers of public power are exerted in one way for crime, in another way for war. Policemen work according to one doctrine; soldiers to another. The strategies of terrorism exploit these rigid dichotomies.

This is a very muddy issue, Mr. Chairman; it cannot be encapsulated in bite-size concepts suitable for spoon-feeding to the public in thirty-second media morsels.

We have to decide what we are about. The options averred to in the Committee's letter are all directed to attacking symptoms. We must do that, certainly. But we must also look more aggressively and creatively to the options for diagnosing and addressing whatever are the various root causes of terrorism.

We are behind in this effort. We are behind, generally, in understanding and addressing the issues with which terrorism confronts us now, and will confront us in the 90's. To our public, terrorism is a sometime thing that involves great violence and great pain and suffering to someone else, and sends an agreeable little shiver up our own backs.

But terrorism is not just embassies being bombed and airplanes hijacked. Almost surreptitiously, the techniques and some of the objectives of terrorism are spreading into areas most of us ignore.

Our political norms are distorted by special interest groups which circumvent the consensus-building procedures of the democratic process, and make their wishes felt in other ways, novel ways unaccomodated in the Constitution. These methods erode consensus, and undermine the authority of our democratic processes. Regrettably, these methods work; they get the special interests groups what they want, they get Senators and Congressmen elected and defeated, and priorities twisted and so forth. And they set precedents for the achievement of political goals by anti-political means.

We should not be surprised to see these precedents extended, to see undue influence wielded by pure violence, where it was formerly wielded by lesser forms of no-less undue pressure. And so we do see this occuring.

I call it Neo-terrorism. One of my colleagues, Mr. Glenn Schoen, calls it "single - issue terrorism." It is increasingly being adopted by animal rights groups, by anti-abortion groups, by conservationists. The FBI now carries the Animal Liberation Front as a terrorist group -- and I would add that it is an international terrorist group. So far, most of the actions undertaken by these groups have been against property, but actions against people have also occurred, and these will increase.

Neo-terrorism will be more ideologically cohesive and congruent than that which takes place now. Those who profess Marxist sentiments, who wish to attack capitalism, will stop killing politicians and public servants as they do now and start killing bankers. The banking and financial community has become a target of terrorism, and it is totally unprotected. The financial industry thinks security is making sure nobody steals their money, when the object of assaults on this industry will be to make it difficult for them to operate at all.

Neo-terrorism will be felt more directly in the United States than anything we have experienced thus far. And reactions to US efforts against the narcotics trade will compound the problem.

I think these are not issues anticipated in the immediate scope of this hearing, Mr. Chairman, but I wanted to cite them as issues which increasingly will engage us as we try to cope with terrorism.

Finally, an underlying question in all that we discuss today has to do with the adequacy of executive branch preparations for dealing with terrorism.
The past two years have been especially bumpy in this regard.

I mentioned at the outset that Congress created a new office in the Pentagon to deal with certain inadequacies in the area of special operations and low-intensity conflict. Terrorism fell very much within this area. Some within the Defense Department fought the Congressional initiative, even after it became law. Among other things, the terrorism charter was withheld from the new office created for the purpose. Since the Defense Department is a major player in the terrorism arena, these manipulations contributed further to the damage done to our efforts in finally pulling together appropriate planning and response mechanisms.

Iran-contra interrupted a great deal of a positive nature that was coming together, particularly in terms of structuring planning and response mechanisms.

The PLO initiative in the last months of the Reagan Administration caused dislocations and some personnel turbulence within those structures dealing with terrorism.

All of this, Mr. Chairman, is in the past, though it would be remarkable if the momentum of associated problems had not carried into the early months of the Bush Administration. There is no reason to believe these problems are not now truly in the past.

President Bush is the first President to come to office with a clear understanding of the challenges of terrorism -- including the internal problems of administering a response to it.

As Chairman of the previous Administration's Task Force on Terrorism, President Bush did not content himself with reading reports rendered up for him, but involved himself in the muck and minutiae of the problem at the working level. I served as a member of his senior advisory group in that endeavor, and I know that he has a full and firm appreciation of the issues we are discussing here today.

Mr. Chairman. I think it is useful to air these questions in the interest of helping to inform the public. But while some administrative adjustments may still be in order in various parts of the executive branch, I can think of no legislative steps that would materially assist the President in this area at this time.

This concludes my statement, Mr. Chairman, and I thank you.

TESTIMONY

OF

THE HONORABLE JOE BARTON (R-TEXAS, 6th)

BEFORE THE

SENATE GOVERNMENTAL AFFAIRS COMMITTEE

HEARING ON TERRORISM

SEPTEMBER 11, 1989

9:30 AM, 342 DIRKSEN

Mr. Chairman, Members of the Committee, thank you for the opportunity to testify before you today on possible government responses to terrorism. I have introduced legislation in the House, H.R. 1515, to deny MFN status to terrorist countries. I believe this is one of the strongest defenses we have as a nation. The U.S. is a nation of great economic power and I believe it is appropriate to use our economic power as a weapon against international terrorism. According to an FBI study, 50% of the international terrorist incidents since 1968 have been directed at Americans.

Terrorism around the world is a grim and senseless reality that must be addressed. The killing of U.S. Lt. Col. William Higgins in Lebanon, with his

body videotaped by his murderers for American viewership, brings these barbaric acts to the forefront of American consciousness.

While American hostages continue to be held, and sometimes tortured and killed, ships from countries aiding and sponsoring terrorism arrive at our ports each week bringing oil, rugs, jewelry, dyes, tobacco, and other products. These goods are allowed into America at preferential tariff rates, because under current American law, Libya, Iran, Iraq, and Syria enjoy Most Favored Nation (MFN) trade status. Although these nations are currently under certain product-specific administrative trade sanctions, any country under MFN status is considered America's friend in international trade and given lower tariffs on goods exported to the United States.

The United States must do something to curb further terrorist activity. American economic power can and should be used to counteract terrorism. After all, why should the United States give preferential trade treatment to nations who knowingly sponsor terrorism?

Terrorism has been linked to Libya, Iran, Iraq, and Syria on several occasions. Syria has been linked to carrying out terrorist attacks, including attacks at the Rome and Vienna airports. The Reagan Administration accused the Abu Nidal group, which is opposed to the mainstream Palestine Liberation Organization faction led by Yasir Arafat, of numerous terrorist attacks on U.S. citizens. Earlier this year Iran captured the world's attention with the Ayatollah's demand for the death of an English author for publishing a book contrary to Iran's religion. And, although not yet traced to a specific terrorist group, the bombing of a Pan American airliner which killed many American citizens is still fresh in our memory.

This legislation, H.R. 1515, the Anti-Terrorism Act of 1989, would do

three things: 1) require the Secretary of State to maintain a list of countries that support terrorism; 2) deny trade preferences to any country on the list, and 3) grant authority to the President to waive this proscription if he finds it is not in the national interest. For example, if H.R. 1515 was enacted into law today and the State Department denied MFN status to Iran or any other country, that country could not again obtain MFN status until the State Department believed that country was not sponsoring terrorism. This legislation is designed to be flexible with changes in countries' attitudes towards terrorism. According to H.R. 1515, the denial of MFN status is not permanent.

Iran's spiritual leader, Ayatollah Ali Khamenei, recently issued a statement in which he said the Iranian government was "ready to use its maximum influence for the release of all the hostages" provided that America frees Iranian assets in the U.S. which have been frozen for 10 years - since the Iranian hostage crisis. Although conflict within Iran's spiritual and governmental leaders still exists, and although a very limited amount of encouragement towards any release of American hostages has been made, the fact remains that Iran, to date, is still led by those who believe in using terrorism as a bargaining tool. Should positive changes in Iran's government eventually occur, H.R. 1515, provides the flexibility to accomodate those changes.

Currently, the only groups of countries that do not enjoy MFN status with the U.S. are the Soviet-bloc countries with the exception of Yugoslavia, and Hungary. The suspension of the MFN status of most Communist countries was required by the Trade Agreements Extension Act of 1951 as a result of their support for North Korea and the People's Republic of China (PRC) during the Korean War. During the Korean War, the MFN status of Albania, Bulgaria, the PRC, German Democratic Republic, Czechoslovakia, Hungary, and Romania was

restored, although restoration, like suspension, was tied to specific foreign policy goals.

Other countries that pursue foreign policy objectives antithetical to the United States have had their MFN status suspended. The MFN status of Cuba was suspended in 1962. Kampuchea and Laos had their MFN status suspended in 1976. The 1951 suspension of the MFN status of North Vietnam was extended to include South Vietnam after its takeover in 1975.

There is ample historical precedence for imposition of trade sanctions on countries that sponsor terrorism. The State Department currently maintains a list of countries that sponsor terrorism in order to regulate transfer of U.S. military equipment and assistance abroad. I firmly believe that the time has come to impose economic sanctions on imports from these countries as well.

Economic sanctions can be effective against terrorist states. The Libyan economy has contracted every year since the imposition of certain product-specific economic sanctions. Although the lack of cooperation from other countries has limited the effectiveness of these sanctions somewhat, the fact remains that U.S. sanctions have had a negative impact on Libya. Libyan export income has collapsed by billions of dollars. Libya is no longer riding high, and the Libyan people are beginning to feel the pinch of a sharp economic downturn, although they still hold the status of MFN with the United States.

The sharp downturn in the Libyan economy promises to strain the ability of Libya to launch military expeditions against its neighbors such as Chad and limits the country's ability to sponsor international terrorism against the United States and the West. Since Libya spends about 40% of its oil income on the military budget, any reduction in oil income undermines the ability of

Libya to finance military adventurism and terrorism. After the Reagan Administration adopted these sanctions Libya's export income dropped from $22 billion in 1980 to $11 billion in 1985. Foreign reserves in cash and gold have decreased from $14 billion a few years ago to $2 billion.

Last year, Iran alone exported $1.6 billion worth of crude oil to the United States, and the U.S. imported $66 million worth of goods from Syria. It is senseless to give these countries the same trading preference we give to our friends such as Canada, Great Britain, and West Germany.

Losing MFN status would double the duty on Iranian crude oil, from 10.5 cents per barrel to 21 cents per barrel. Taking the MFN status away from Syria would triple the duty on Syrian tobacco from 11.5 cents per pound to 35 cents per pound. These two increases alone would negatively affect the economy of both countries.

While I realize this legislation will not end all terrorism and its threat, it does utilize American market power as a bargaining tool to thwart terrorist attacks against innocent Americans. Special trading preferences should be reserved for our friends and allies - not terrorist nations.

The United States should not unconsciously continue to support terrorist countries. I believe countries that sponsor terrorism are no more worthy of MFN status than Soviet-bloc countries. The countries of Libya, Iran, Iraq and Syria have done much to earn suspension of their MFN status. As a matter of principle and policy the U.S. should repeal all trade preferences to countries that condone plots to murder Americans and undermine our government. There should be a penalty for targeting Americans as terrorist victims.